

# Senate

TUESDAY, JUNE 30, 1970

The Senate met at 9 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Reverend Howard Stone Anderson, D.D., minister, First Congregational United Church of Christ, Washington, D.C., offered the following prayer:

O God, our help in ages past, our hope for today and forever, give us thankful hearts, humble minds and wills of righteous purpose.

Our fathers came across wide seas and from strange shores and have given us this land of liberty. Make us glad for our heritage and grant that we neither grow faint in faith nor fail in courage.

We confess our blindness, bitterness, and confusion. But we would earnestly pursue and wage peace. Save us from violence and discord, from pride and arrogance, and from every evil way.

We pray for the Members of this Senate, for the President of the United States, and for all who share in the leadership of our Nation. Make us a united people, serving Thee in holy fear and loving trust.

This we ask for Thy name's sake. Amen.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 29, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from South Carolina (Mr. HOLLINGS) is now recognized for not to exceed one-half hour.

## THE WAR IN VIETNAM

Mr. HOLLINGS. Mr. President, I speak today amidst a rising crisis of confidence in the Government of our Republic. Tensions flare, passions erupt, and there are angry demonstrations by the radical left and the radical right. The vast majority of Americans in the middle are confused—confused by the simple-minded rhetoric of extremism, confused by a stalemated war in which military strategy plays second fiddle to politics, confused by an administration that drifts from crisis to crisis without lead-

ership and without policy. Every week brings a new somersault, and after years of such gymnastics, it is no wonder we all feel a little bit dizzy.

From the time this war began I have advocated military victory in Vietnam. I protested day in and day out the timidity with which the war was fought. I am neither soothsayer nor prophet, but I believe the battle could have been won. So do many in the military, along with millions of my countrymen. We had the power but lacked the leadership, so instead of making maximum use of our military superiority, we enchain ourselves in a policy of recognizing sanctuaries, of failing to take the war to the enemy's home ground, and we frittered away the power of the world's mightiest Nation. My constituency knew where I stood. President Johnson knew where I stood. President Nixon knew where I stood.

As Lord Palmerston said over 100 years ago, "England has no permanent friends; she has only permanent interests." So it is with America. We had become involved, I believed, in a just and necessary war, a war to protect the interests and the commitments of the United States. The strategy of the Vietcong and the North Vietnamese was as insidious in its own way as the Japanese attack on Pearl Harbor. It was a three-phase strategy of infiltrating the villages and hamlets of the South, then beginning guerrilla operations, and finally engaging in main force, uniformed warfare. The only way to counter such a strategy was to recognize that the war was not confined to the South, but was to spread over all of Indochina. Logically, then, we should have recognized no sanctuaries in Thailand, Cambodia, Laos and, most important of all, North Vietnam.

Mr. President, in the spirit of staying within the confines of the time limit provided me, I ask unanimous consent to have printed in the Record at the conclusion of my remarks the message of President Johnson to Congress of August 5, 1964, as well as the message when he signed the congressional resolution on Southeast Asia on August 10, 1964.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. HOLLINGS. Mr. President, in the first phases of the war, President Johnson seems to have recognized this threat to the larger strategic interests of the United States. As he said in June of 1964, there were four simple propositions behind his move into Vietnam:

1. America keeps her word. Here as elsewhere, we must and shall honor our commitments.
2. The issue is the future of Southeast Asia as a whole. A threat to any nation in that region is a threat to all, and a threat to us.
3. Our purpose is peace. We have no mili-

tary, political, or territorial ambitions in the area.

4. This is not just a jungle war, but a struggle for freedom on every front of human activity. Our military and economic assistance to South Vietnam and Laos in particular has the purpose of helping these countries to repel aggression and strengthen their independence.

But as the months wore on, confusion and uncertainty seeped into the administration's explanation of why we were in Vietnam. The President sidestepped and backstepped and waltzed around his original understanding of the problem. The commitment was reduced to one of protecting the self-determination of South Vietnam and the larger problem of Southeast Asia as a whole was conveniently pigeonholed. When Richard Nixon became President, he too failed to see the challenge we face.

Even more obvious is the fact that neither Presidents Johnson nor Nixon fought the war in such a way as to crush the aggression hurled at us by North Vietnam. After 6 years of intense battle for a state not as large as our own State of Missouri, there still remains at this moment 215,000 enemy troops.

In June of 1969, President Nixon announced his withdrawal program, and in September of that year said he would accept a duly-elected Communist government in the South. I did not like it, but a majority of the American people believed that in the absence of victory it was wise to withdraw. One week before the Cambodian invasion the President announced his withdrawal program was working so well that another 150,000 men could be sent home. Victory was no longer in the cards. The policy that we hawks fought for had no chance. So rather than carry on a hopeless cause, I went along. In the months after the President announced his withdrawal policy, most of us here in the Congress did our best to help him carry it out. If victory could not be had, withdrawal was obviously imperative.

Then, in an atmosphere of crisis and panic, the President went on television to announce the invasion of neutral Cambodia. American troops were sent in. We made war for the first time, in Cambodia, without consulting the Congress. So the war is enlarged but to no avail. We have gone into another country not to win or protect our larger interests, but instead to fight with the same limited goals, the same shackling strategy. We are bogged down in Cambodia without understanding that the rules we play by are to no avail.

Make no mistake about it—the war has been enlarged. In spite of all the rosy, muddle-headed optimism of the administration, in spite of the fact that American ground forces are pulling back this week, we are caught in a larger web than ever. Today we are told that the troops are out, we have pulled back. But

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we continue with our military aid to Cambodia. Our pilots still risk life and limb in the skies over Cambodia. And Lon Nol tells us he may ask our troops to come back. The deeper we sink into this quagmire, the more elusive peace becomes. We are being sucked into defending still another remote Asian country yet without the will to win. The facts speak for themselves—we have just turned another Nixon somersault. On May 13 of this year, the Secretary of State argued that we would not "become militarily involved in support of the Lon Nol government—or any other government" in Phnom Penh. Then, just last week, the Secretary changed his tune and stated that our bombing raids deep in Cambodia have a dual purpose—to help our troops and at the same time serve the Cambodian Government. When the invasion began, President Nixon warned us of Communist troops massing in eastern Cambodia, poised to attack. Yet Secretary Laird has since admitted that on that very day, Communist forces were moving westward, "in the other direction for the first time." Why, it sounds like a replay of our original involvement in Vietnam so many years and lives ago. The same garbled explanations, the same utter confusion, the same lack of credibility. But we still lack the will to win, the understanding that there are no sanctuaries in a war such as this.

If we are not to have a military victory and if we refuse to give the man on the battlefield the command to win, then why spread our involvement to still another country? If the war is going to be expanded, expand it into North Vietnam where it will do some good. But do not let the President send more young men—husbands, fathers, brothers and sons—into the jungles shackled by a no-win policy. With all the tons of rice and supplies that have been supposedly captured, one afternoon's bombing run over Hanoi would have done the same thing with few or no American casualties.

Since President Nixon took office on January 19, some 560,000 young Americans have been sent to Vietnam. That is at the rate of about 35,000 a month. We have all heard about the matter of withdrawal, which we support. But while some come home, others go over, and amidst all the hopeful oratory of the administration, the fact remains that 560,000 men have been sent to Vietnam in the past 16 months and have been put in the field of battle for the first time in their lives. Think of it—well over half a million of our finest young people in just 16 months. Sent to a war where we seek no victory, fighting in a land where we are now willing to accept a Communist government. Is it any wonder that Americans are confused and angry? How much longer must this senseless "Operation Meatgrinder" go on?

When candidate Nixon was running for the Presidency in 1968, he assured us that he had a plan to end the war. I interject at that particular point, Mr. President, to say that candidate Nixon never ran on a ticket of withdrawal. Make no mistake about that, to quote the President's favorite saying.

Candidate Nixon ran on a plank of victory.

Gen. Mark Clark, of South Carolina, was candidate Nixon's campaign manager in our State. General Clark told the people of South Carolina:

I know the Communists. Vice President Nixon knows the Communists. And he knows the threats of communism. He knows that the Communists only understand the language of force.

General Clark said:

I remember when I was United Nations' Commander and General Eisenhower became President that he got on the telephone with a command to move forward. And for 8 weeks, around the clock, we knocked the socks off them.

General Clark added that after 8 weeks of this type of fighting, at 1 o'clock one morning while in a trailer, he got a call from the commander of forces in North Vietnam who requested that they meet at the conference table. Clark knew how to deal with the Communists. And the general, as Richard Nixon's campaign manager, assured us that Nixon did, too. As Clark told the people:

I urge you to support candidate Nixon for the Presidency, for Commander in Chief, because he understands threats and he understands the only way to solve the problem.

That is the reason for a good bit of the trauma in my section of the country. Our people believe in victory and do not clearly see that administration policy is no longer to seek such a victory. South Carolinians are understandably confused. There are 215,000 enemy troops in Vietnam. There are 250,000 troops in the sanctuaries of North Vietnam, massed along the DMZ, while 270,000 North Vietnamese uniformed troops are in Laos in the sanctuaries, not including 48,000 Pathet Lao. There still remain 60,000 to 70,000 in Cambodia, although we were told 40,000. But we are in a policy of withdrawal, which is simply and solely a policy of retreat.

However, the people back home whom I represent do not believe that we are in retreat at all. They still think we are aiming for the victory that General Clark said candidate Nixon would aim for as President. When candidate Nixon was running for President in 1968, he assured us of that.

If anyone can see any plan, any consistency in administration actions, I pray the Lord that he stand up so that we too be allowed to see the light.

In December of 1969, President Nixon signed into law the Cooper-Church amendment. This bill urged against further involvement in Laos and Thailand, and provided for orderly and constitutional consultation between the executive and legislative branches. Cambodia was not included because of administration statements that it was a sanctuary and no action was contemplated there. We were told that the Cooper-Church amendment was—quoting the leaders on the Senate floor from the CONGRESSIONAL RECORD—"definitely in line with administration policy" and that "the President is pleased with the amendment and he recognizes that it is in accordance with his announced policy."

So in December the President's plan is

to keep out of Cambodia; in April it is to go in. In December it is to recognize the constitutional role of Congress; in April it is to ignore Congress.

In December it is administration policy to retain the Gulf of Tonkin resolution, to urge the Senate not to repeal it. On March 12, 1970, comes further administration warning that repeal of Tonkin would be unwise, that to have the measure repealed would set in motion adverse reactions and results in all of Southeast Asia with respect to President Nixon's commitments. But by June the President turns another somersault by instructing his spokesman on the Senate floor to have the Tonkin resolution repealed. The resolution suddenly became obsolete in the administration's thinking, it is no longer needed.

When the Gulf of Tonkin resolution was passed in 1964, President Johnson stated that it was his responsibility under the Constitution to seek congressional approval for his policy, and he proudly announced approval by a total House and Senate vote of 502 to 2. In February of this year, on CBS, President Johnson stated that he never would have gone in had he not been given the Gulf of Tonkin resolution. Now, suddenly, the authorization of Congress, the law of the land, is obsolete.

Last week, I voted to keep the Tonkin resolution on the books. It was, after all, the only congressional authority that the President had to fight the war. Despite all the high-faluting debates and technical arguments, the fact remains that Congress, and Congress alone, has the power to declare war. We are in a war—this is no police action, no spur-of-the-moment emergency demanding a quick response—not since our struggle for independence nearly 200 years ago have we fought a war as long as this one, the longest war in our history, other than the Revolution. Congress declares war, and to ignore Congress in fighting this bloodbath is a flagrant example of Executive usurpation.

The Constitution is clear on this point, the intent of the Founding Fathers is obvious to all who have eyes to read. Article I, section 8, clause 11, says that Congress shall have the power to declare war. Reread the records of the Constitutional Convention in Philadelphia and you will quickly realize the framers' intention that Congress alone will decide when this country shall go to war. When it was suggested that perhaps the President should be cloaked with the war-making responsibility, most of the delegates were shocked.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks an article which was published in yesterday's News and Courier of Charleston, S.C., entitled "War Powers Debate Began with Founding Fathers."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 2.)

Mr. HOLLINGS. Mr. President, the solution arrived at was that the President was given the power of repelling an invasion of America, as article 4, section 4, provides. As Senator SAM ERVIN, the con-

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stitutional authority of the Senate, has said:

The President of the United States has no capacity, under the Constitution, to put the United States at war in an offensive war—that is, a war which is not necessary for the defense of this country—without a declaration of war from the Congress or the equivalent of a Congressional declaration of war.

The Gulf of Tonkin resolution perhaps provided that equivalent declaration of war, but now the President seeks to strike it from the books, and to carry on the war as he chooses fit, with not so much as a passing glance at the Constitution or the Congress.

As Senator ERVIN has said,

I cannot view it as anything but intellectual and constitutional schizophrenia that the administration should stand here and fight the Church-Cooper Amendment for all these weeks and then make through its spokesman the proposal on the floor of the Senate that the Senate repeal the only action taken by Congress which gives the President authority to use the Armed Forces of this country in combat in Southeast Asia.

I come from a section of the country that has long prided itself on its opposition to too much Presidential power. The South more than any section has stood foursquare against an all-powerful Executive. We of the South had great hopes that this administration would follow a policy of strict constructionism. And, at first glance, the omens were good. The Court appointments suggested by the President, such as Judge Clement Haynsworth, were well-advised and in the tradition of strict constructionism. I fought by the President's side, hoping that at long last we had a Chief Executive who sympathized with our beliefs. But where is this strict construction when it comes to making war and to consulting with the Congress?

When it comes to his judicial appointments, President Nixon wraps himself in the cloak of strict constructionism, which is good. But when it comes to his duties with regard to the legislature, he dons the mantle of monarchy. No amount of Vice Presidential oratory can now hide the fact that the Constitution is in grave danger. The Nixon administration is defying not just the traditions of the southland, but also the concerns of thoughtful Americans all across this Republic. I will not be a party to it, and I do not think my fellow countrymen are about to be bamboozled either.

Let us wake up. The press goes off halfcocked and bellows "HOLLINGS Pitches Tent in Peacenik Camp." What peacenik, tell me please, has stood on the floor of this Chamber for the past 4 years, since I came to the Senate, and pleaded and begged for military victory in Vietnam? Another paper bleats "Giving Aid and Comfort to Hanoi." Well, I will tell you where I pitch my tent—in the campground of the Constitution, in the separation of powers that has protected us from Executive tyranny. And I will tell you who I give aid and comfort to—to those red-blooded Americans who have stood on the rock of the Constitution through good times and bad.

I stand with that great patriot Dwight Eisenhower, whom Richard Nixon eulogizes, but fails to heed. In March of 1954, Eisenhower said, and I quote:

There is going to be no involvement of America in war unless it is the result of the constitutional process that is placed upon Congress to declare it. Now, let us have that clear.

That is what President Eisenhower, who was then our Commander in Chief, said.

I stand with John Foster Dulles, who nobody ever called a peacenik, when he told the French in 1954 that even a single air strike to relieve Dienbienphu could not be authorized by Eisenhower "without action by Congress because to do so was beyond the President's constitutional powers."

And I stand with a young Member of the House in 1947 who said:

The matters which have come before us involving foreign policy generally have come before us after the deed has been done. The Congress has come in after the decision has been made by our State Department and by the executive branch.

The Congressman went on:

The question I should like to ask is this: Does the gentleman not feel that a true bipartisan foreign policy means that it must be bipartisan in its inception and creation as well as in its execution?

The concerned young lawmaker was the Representative from California, Richard Milhous Nixon, and the question that vexed him then is more pertinent than ever. Would that he still worried about it.

The issue we are debating is not the President's sincerity nor his devotion to what he sees as the best interests of the Nation. The question goes to the very foundations of our system of government. No one doubts that Harry S. Truman acted out of noble patriotism when he moved to repel Communist aggression in Korea. No one doubts that three Presidents—Dwight D. Eisenhower, John F. Kennedy, and Lyndon B. Johnson—accelerated our involvement in Vietnam in the dedicated belief that they were serving the cause of Americanism.

Yet throughout the decade of the 1960's Presidents received one piece of bad advice after another—or at least ignored the good advice, which I think is the more accurate judgment. Unilateral policy decisions have been made in the executive branch that time has always quickly mocked. The voice of the people has not been heard. Instead, the President turned inward upon his office.

Checks and balances and separation of powers were written into the Constitution to provide against this very thing. The President must be protected from his own isolation, from being stranded on an island with his own small band of advisers and confidants. He must be shielded from the possibility of his own misjudgment.

We see here not only the Constitution or the technicality of the provision of constitutional law, but the very reason for this provision in the first place. It was never proven better than by the war in Cambodia and the war in Southeast

Asia. Were it not for the Senate and the action here on the Cooper-Church amendment, the administration might have been much slower in withdrawing the troops from Cambodia. Time and time again the President has fudged on Cambodia. He has moved 100 miles inland with air power, which he said he would never do. He said South Vietnamese forces would pull out with us, but they are still there.

The best of minds and the best of intent continue to frustrate us, because over the very policy to get us out buries us deeper. When Senator STENNIS spoke last month in opposition to the Cooper-Church amendment he stated:

That fact is that, by the action we took in Cambodia, we have not—I repeat, we have not—assumed or undertaken any new national commitment whatsoever. We have not committed ourselves to military support for the Cambodian government. Nor have we promised shipments of American arms or committed ourselves to send military advisers. I continue to oppose all of these steps.

Yet here, as we close the debate, we find that on behalf of the Commander in Chief, the chairman of the Armed Services Committee meets himself coming around the corner. There is a new commitment—not official—but certain it is a moral one in that we have dragged Cambodia into a hot war that she was not prepared to fight. As we declared against military support, the fact is at this very moment the morning news headlines military support for Cambodia. Our pilots fly in their defense and we state no promise of American arms, yet \$7.9 million in American arms are committed. As we say no military advisers are committed for, a military mission of 17 has opened up in Phnom Penh and military advisers remain on with the South Vietnam forces. So the need for the Constitution, as well as its wisdom at this hour, is manifest.

Were it not for the action in this debate we would be far more involved in Southeast Asia, particularly Cambodia, than ever before. That is the reason for this constitutional provision.

The founders of this country provided a whole series of brilliant mechanisms to protect the President from the pitfalls of such misjudgment. They did so not for technical, legalistic reasons, not to insure that one group of politicians could hold sway over another. They did so in order that our policy would always be an American policy—arrived at not just by the President, but by the people, their representatives and the Chief Executive. And, unless we get back on that track, and get back on it soon, our continuation as a constitutional democracy is imperiled.

I will cast my vote in favor of the Cooper-Church amendment. It is the policy agreed on by President and Congress last December. I do so partly on policy grounds—to pull back from an unwise widening of the war, an escalation that can only delay our disengagement from Southeast Asia.

No matter how many television talks the President makes, no matter how many hand-picked commissions he sends

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to Cambodia to obscure the issue, President Nixon has erred. The issue is not military strategy, the issue is the Constitution. The Constitution is alive and living here in America. The stark tragedy of it all is that the Constitution could have saved him and spared us. So, I vote also on constitutional grounds—to insure the separation of powers and to discharge my oath to defend and uphold the instrument of our Government.

And I do so for one other reason, Mr. President—to build back into this great Nation of ours a sense of trust, of credibility in the words and actions of our Government. I believe very strongly that the lack of this trust is at the root of many of the disturbances that trouble our land. People just don't feel themselves a part of government any more. And when it comes to the foremost concern of us all—the war in Vietnam—they feel that the Congress is not a part of government anymore, that somehow war is just a one-man game. I am not just talking about the young. I am talking about young and old, northerner and southerner, easterner and westerner. There is no generation gap here—there is a credibility gap and before America can go forward, that gap must be closed. With 331,000 casualties, no one man should want to bear the burden of decision. Instead of opposing, the President should be pleading for the support of the Congress. And instead of avoiding its constitutional burden, the Congress should begin to bear it.

Today, Mr. President, we are mired down in the mud and muck of the jungle as never before. Our foreign policy is exhausted and our domestic institutions are in grave danger. It does not concern only a faroff war, it threatens the very fabric of our national life. Twist the Constitution a little bit here, wrench it a little there, and before long all the safeguards which have served us so well will perish. While trying to gain independence 10,000 miles away, we will have abandoned it here at home.

## EXHIBIT 1

PRESIDENT'S MESSAGE TO CONGRESS, AUGUST 5  
To the Congress of the United States:

Last night I announced to the American people that the North Vietnamese regime had conducted further deliberate attacks against U.S. naval vessels operating in international waters, and that I had therefore directed air action against gunboats and supporting facilities used in these hostile operations. This air action has now been carried out with substantial damage to the boats and facilities. Two U.S. aircraft were lost in the action.

After consultation with the leaders of both parties in the Congress, I further announced a decision to ask the Congress for a resolution expressing the unity and determination of the United States in supporting freedom and in protecting peace in southeast Asia.

These latest actions of the North Vietnamese regime have given a new and grave turn to the already serious situation in southeast Asia. Our commitments in that area are well known to the Congress. They were first made in 1954 by President Eisenhower. They were further defined in the Southeast Asia Collective Defense Treaty approved by the Senate in February 1955.

This treaty with its accompanying protocol obligates the United States and other

members to act in accordance with their constitutional processes to meet Communist aggression against any of the parties or protocol states.

Our policy in southeast Asia has been consistent and unchanged since 1954. I summarized it on June 2 in four simple propositions:

1. *America keeps her word.* Here as elsewhere, we must and shall honor our commitments.

2. *The issue is the future of southeast Asia as a whole.* A threat to any nation in that region is a threat to all, and a threat to us.

3. *Our purpose is peace.* We have no military, political, or territorial ambitions in the area.

4. *This is not just a jungle war, but a struggle for freedom on every front of human activity.* Our military and economic assistance to South Vietnam and Laos in particular has the purpose of helping these countries to repel aggression and strengthen their independence.

The threat to the free nations of southeast Asia has long been clear. The North Vietnamese regime has constantly sought to take over South Vietnam and Laos. This Communist regime has violated the Geneva accords for Vietnam. It has systematically conducted a campaign of subversion, which includes the direction, training, and supply of personnel and arms for the conduct of guerrilla warfare in South Vietnamese territory. In Laos, the North Vietnamese regime has maintained military forces, used Laotian territory for infiltration into South Vietnam, and most recently carried out combat operations—all in direct violation of the Geneva agreements of 1962.

In recent months, the actions of the North Vietnamese regime have become steadily more threatening. In May, following new acts of Communist aggression in Laos, the United States undertook reconnaissance flights over Laotian territory, at the request of the Government of Laos. These flights had the essential mission of determining the situation in territory where Communist forces were preventing inspection by the International Control Commission. When the Communists attacked these aircraft, I responded by furnishing escort fighters with instructions to fire when fired upon. Thus, these latest North Vietnamese attacks on our naval vessels are not the first direct attack on armed forces of the United States.

As President of the United States I have concluded that I should now ask the Congress, on its part, to join in affirming the national determination that all such attacks will be met, and that the United States will continue in its basic policy of assisting the free nations of the area to defend their freedom.

As I have repeatedly made clear, the United States intends no rashness, and seeks no wider war. We must make it clear to all that the United States is united in its determination to bring about the end of Communist subversion and aggression in the area. We seek the full and effective restoration of the international agreements signed in Geneva in 1954, with respect to South Vietnam, and again in Geneva in 1962, with respect to Laos.

I recommend a resolution expressing the support of the Congress for all necessary action to protect our Armed Forces and to assist nations covered by the SEATO Treaty. At the same time, I assure the Congress that we shall continue readily to explore any avenues of political solution that will effectively guarantee the removal of Communist subversion and the preservation of the independence of the nations of the area.

The resolution could well be based upon similar resolutions enacted by the Congress in the past—to meet the threat to Formosa in 1955, to meet the threat to the Middle East in 1957, and to meet the threat in Cuba in 1962. It could state in the simplest

terms the resolve and support of the Congress for action to deal appropriately with attacks against our Armed Forces and to defend freedom and preserve peace in southeast Asia in accordance with the obligations of the United States under the Southeast Asia Treaty. I urge the Congress to enact such a resolution promptly and thus to give convincing evidence to the aggressive Communist nations, and to the world as a whole, that our policy in southeast Asia will be carried forward—and that the peace and security of the area will be preserved.

The events of this week would in any event have made the passage of a congressional resolution essential. But there is an additional reason for doing so at a time when we are entering on 3 months of political campaigning. Hostile nations must understand that in such a period the United States will continue to protect its national interests, and that in these matters there is no division among us.

LYNDON B. JOHNSON.

THE WHITE HOUSE, August 5, 1964.

PRESIDENT SIGNS CONGRESSIONAL RESOLUTION  
ON SOUTHEAST ASIA

(Remarks by President Johnson)

My fellow Americans, 1 week ago, half a world away, our nation was faced by the challenge of deliberate and unprovoked acts of aggression in Southeast Asia. The cause of peace clearly required that we respond with a prompt and unmistakable reply.

As Commander in Chief, the responsibility was mine—and mine alone. I gave the orders for that reply, and it has been given.

But, as President, there rested upon me still another responsibility—the responsibility of submitting our course to the representatives of the people for them to verify it or veto it. I directed that to be done last Tuesday, too.

Within 24 hours, the resolution before me now had been placed before each House of Congress. In each House, the resolution was promptly examined in committee and reported for action. In each House, there followed free and serious debate. In each House, the resolution was passed on Friday last—with a total of 502 votes in support and 2 opposed.

Thus, today, our course is clearly known in every land. There can be no mistake—no miscalculation—of where America stands or what this generation of Americans stand for. The unanimity of the Congress reflects the unanimity of the country.

This resolution is short. It is straightforward. I hope it will be read around the world. The position of the United States is stated plainly.

To any armed attack upon our forces, we shall reply.

To any in Southeast Asia who ask for help in defending their freedom, we shall give it.

In that region, there is nothing we covet, nothing we seek—no territory, no military position, no political ambition. Our one desire—our one determination—is that the people of Southeast Asia be left in peace to work out their own destinies in their own way.

This resolution stands squarely within the four corners of the Constitution of the United States. It is clearly consistent with the principles and purposes of the Charter of the United Nations.

This is another new page in the outstanding record of accomplishment the 88th Congress is writing.

Americans of all parties and philosophies can be justly proud and justly grateful: proud that democracy has once again demonstrated its capacity to act swiftly and decisively against aggressors; grateful that there is in our National Government understanding, accord, and unity between the executive and the legislative branches—with-



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out regard to partisanship. This is a great strength that we must preserve.

This resolution confirms and reinforces powers of the Presidency. I pledge to all Americans to use those powers with all the wisdom and judgment God grants to me.

It is everlastingly right that we should be resolute in reply to aggression and steadfast in support of our friends.

But it is everlastingly necessary that our actions should be careful and measured. We are the most powerful of all nations—we must strive also to be the most responsible of nations.

So, in this spirit, and with this pledge, I now sign this resolution.

## EXHIBIT 2

[From the Charleston (S.C.) News & Courier, June 29, 1970]

## WAR POWERS DEBATE BEGAN WITH FOUNDING FATHERS

(EDITOR'S NOTE.—The Senate's vote Tuesday on the question of who has the power to wage war is but another step in a debate that began with the Founding Fathers 183 years ago. The following article traces the development of the issue during the history of this nation.)

(By Don McLeod)

WASHINGTON.—The framers of the Constitution intended that Congress would decide when this country should go to war. The president's war powers were to be those of a super general or admiral.

The Founding Fathers were as concerned over where the war powers should lie as the senators now debating the subject of constitutional authority.

They haggled over the difference between "making" war and "declaring" war, feared a powerful executive who might start war on his own, and reached a compromise that served for a century before being eroded by aggressive presidents.

When the subject came up at the Constitutional Convention in Philadelphia, Pierce Butler of South Carolina suggested giving the war making authority to the president.

"He was for vesting the power in the president," noted James Madison, "who will have all the requisite qualities, and will not make war but when the nation will support it."

Elbridge Gerry of Massachusetts was shocked.

"Mr. Gerry never expected to hear in a republic a motion to empower the executive alone to declare war," Madison added to his notes.

Roger Sherman of Connecticut finally suggested the solution that prevailed: "The executive should be able to repel and not to commence war."

When the delegates were done, Congress was given sole power to "provide for the common defense . . . to declare war . . . to raise and support armies . . . to provide and maintain a navy."

"The President," says the Constitution, "shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States . . ."

When Thomas Jefferson, then minister to Paris, heard of the arrangement, he rejoiced that the legislative branch would "hold in leash the dogs of war." But as president, he would be among the first to stretch the rule.

As the convention progressed in the summer of 1787 Butler began to have reservations about the power being given the chief executive.

"Why might not a Cataline or a Cromwell arise in this country as well as in others?" he asked the convention.

Having overthrown the rule of a king, young America feared monarchy and was reluctant to cede to a president executive powers traditionally ascribed to kings.

Early in the convention, the delegates in Independence Hall took up a draft resolution that would have given the new chief executive the powers then held by the Continental Congress.

Charles Coatsworth Pinckney, advocate of a vigorous executive, rose to share his concern that "the executive powers of Congress might extend to peace and war, which would render the executive a monarchy, of the worst kind, to wit an elective one."

Madison agreed that the executive powers should be restricted. They should not, he said, "include the rights of war and peace. Let 'we shall have the evils of elective monarchies . . ."

"It was at first proposed to vest the sole power of making peace or war in the Senate," Butler reported to the South Carolina legislature, "but this was objected to as inimical to the genius of the republic, by destroying the necessary balance they were anxious to preserve."

"Some gentlemen were inclined to give this power to the President; but it was objected to, as throwing into his hands the influence of a monarch, having an opportunity of involving his country in a war whenever he wished to promote her destruction."

The general field of foreign relations and treaty making were included in the concern.

"The history of human conduct," Alexander Hamilton observed, "does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate, created by circumstances, as would be a president of the United States."

The convention began its solution by defining and dividing authority according to the role ascribed to the branches of government and providing overlapping controls.

The Congress, traditional voice of the people, would initiate war; the president, as chief executive, would administer it. The president, as the administrator, would handle diplomatic chores, but the treaties he negotiated would be subjected to legislative approval.

The right of one branch to question the acts of another was not only permitted, it was required. As Madison explained in the Federalist Papers, "unless these departments be so far connected and blended as to give to each a constitutional control over the others, the degree of separation which the maxim requires as essential to a free government, can never in practice, be duly maintained."

The war-making clause initially considered by the convention read that Congress would have the power "to make war." But to define the function more keenly and separate it from the executive's task, the phrase was modified on a motion by Madison and Gerry to substitute the word "declare."

It was understood that, while the legislature should make the decision, leading the war effort was definitely a job for a single strong hand, not a debating legislature.

"The direction of war implies the direction of the common strength," Hamilton declared in support of the arrangement, "and the power of directing and employing the common strength, forms an usual and essential part in the definition of the executive authority."

Hamilton's proposed constitution would have defined the president's role as "to have the direction of war when authorized or begun." Although the wording is less precise in the finished product, this was evidently the meaning the convention intended.

"It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the confederacy," Hamilton explained.

So clear to the delegates was this picture

of the president as director of war operations, or general of troops and admiral of fleets, that it caused some concern.

As the convention neared a conclusion, Madison and Butler strove to add another check to the president's power over war. They moved to authorize a concurrence of two-thirds of the Senate to make peace treaties, without the concurrence of the president.

"The President," Madison said, "would necessarily derive so much power and importance from a state of war that he might be tempted, if authorized, to impede a treaty of peace."

But the motion failed. Nathaniel Gorham, a Boston merchant but experienced in government as president of the Continental Congress, pointed out that "The means of carrying on the war would not be in the hands of the president but of the legislature."

Here was the clincher. Congress would hold the purse-strings, and thereby could stop any president from waging war against the will of the legislature.

Although Madison and Sherman had suggested that the power to repel sudden attacks be left to the president, this power was not specifically granted in the Constitution, which stipulates that Congress shall hold the power "to repel invasions."

However, since the convention debate indicates it was intended that the president should have this authority it has been assumed that he does. In the 20th century this has come to the right to push the nuclear button in defense—but not in offense.

"Yet after all," Butler wrote, "I am free to acknowledge that his powers are full great, and greater than I was disposed to make them."

"Nor, between us, do I believe they would have been so great had not many of the members cast their eyes toward General Washington as president; and shaped their ideas of the powers to be given to a presidency, by their opinions of his virtue."

Washington did not disappoint them. But two centuries of actual practice in war and peace have seen presidents assuming more and more of the war-making prerogative.

The drift from the carefully laid rules came over the word "declare"—an issue at the heart of the numerous lawsuits currently attacking the war in Vietnam.

The first war the new republic fought was undeclared. For almost three years, beginning in late 1798, the United States waged a naval war with France without a formal declaration.

But Congress did authorize the actions taken against France by President John Adams, and all concerned were satisfied that the arrangement was constitutional.

Since the framers had used the word "declare" primarily to differentiate between the initiation and the administration of war, it was assumed that congressional permission was all that was required.

Still, the absence of a declaration is used today by some to challenge the legality of Vietnam war and by others to support the theory that a president can make war without Congress. Neither was considered the case at the time.

Jefferson established another precedent when he sent a fleet to the Mediterranean in 1801 to protect American shipping from Barbary pirates. It was assumed no declaration of war was needed for a defensive action. His action set a precedent that led during the 19th century to an assumption that presidents had the power to protect American lives and property overseas.

Similarly the practice of hot pursuit and the view that presidents have authority to initiate hostilities to protect U.S. troops became traditions not specifically legalized by the Constituents . . . and congresses followed the system of the Founding Fathers rather closely until the dawn of this war-filled century.

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A signal of changing times came in 1900 when President William McKinley, contending that he had authority to protect American lives, sent troops into China to help crush the Boxer rebellion.

The door had been opened, and Theodore Roosevelt, who succeeded McKinley, rushed through it.

Roosevelt boasted he would "not dream" of seeking congressional permission for his Caribbean interventions. A legislature, he believed, was "not well fitted for the shaping of foreign policy."

Furthermore, said Roosevelt, he felt obliged to set precedents "which successors may follow even if they are unwilling to take the initiative themselves."

And Roosevelt's precedent, illegal or not, has been followed, right down to President Lyndon B. Johnson's armed intervention in the Dominican Republic as late as 1966.

President Woodrow Wilson asked congressional permission to use armed force to redress grievances felt by the United States over a comic opera incident between U.S. sailors and Mexican authorities at Tampico in 1914. However, hearing of a new development, Wilson rushed in his troops to seize Vera Cruz without waiting for Congress to act.

Wilson's more ardent supporters in the Senate sought something similar to the Gulf of Tonkin Resolution. It didn't pass and the occupation forces were withdrawn after a short stay. But two years later, Wilson acted on his own again, sending General John J. Pershing into Mexico after the bandit Pancho Villa.

Wilson also stretched the presidential war powers by sending American troops to Russia in 1918—after the new revolutionary government had made peace with Germany—in a futile effort at reopening the Eastern front.

When President Harry S. Truman plunged the United States into the Korean War as a "police action" he consulted congressional leaders but almost entirely on his own, without official authorization from Congress.

When President Dwight D. Eisenhower sent American soldiers to Vietnam as advisers and when President John F. Kennedy increased the numbers, they acted independently.

But when Johnson committed U.S. troops to the battle in number in 1964 under the Gulf of Tonkin Resolution, he was acting by congressional authorization just as John Adams had in 1798.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. Spong) is recognized.

Mr. SPONG. Mr. President, I ask unanimous consent that I may yield to the majority leader without losing any of the time previously allotted to me for this morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 982, 983, and 984.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

## ROSEANNE JONES

The bill (H.R. 2047) for the relief of Roseanne Jones was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-978), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

## PURPOSE

The proposed legislation would confer jurisdiction on the U.S. District Court for the Southern District of California, Southern Division, notwithstanding the limitations of section 2401 of title 28, United States Code, or any other statute of limitations laches, or lapse of time, to hear, determine, and render judgment upon the claims of Roseanne Jones, a minor, against the United States based on injuries and disability suffered as the result of an operation performed upon her at the U.S. Naval Hospital at San Diego in 1959.

## STATEMENT

In its favorable report on the proposed legislation, the House Judiciary Committee set forth the facts of the case as follows:

The Department of the Navy in its report to the committee on the bill defers to the Department of Justice and the Department of Justice indicated that it would have no objection to the bills enactment.

Roseanne Jones, the daughter of a Navy seaman, was operated on for a tumor of the skull in the U.S. Naval Hospital, San Diego, Calif., on January 28, 1959. In March of that year an examination of the child by an ophthalmologist disclosed that she was suffering with a type of blindness. On October 30, 1964, her blindness was diagnosed as permanent.

On April 13, 1965, Roseanne Jones, through her guardian ad litem, the U.S. National Bank, filed an action against the Government under the Federal Tort Claims Act in the U.S. District Court for the Southern District of California. The complaint alleged negligence in her care and treatment at the U.S. Naval Hospital, San Diego, commencing on January 28, 1959. It further alleged that the minor plaintiff and her parents were advised by the Government medical personnel that her loss of vision would be temporary, and that the plaintiff had no reason to believe otherwise until advised of the October 1964 diagnosis.

On May 8, 1967, the litigation was dismissed on motion by the Government based upon the plaintiff's failure to prosecute their claim. The files of the Department of Justice indicate that plaintiff's counsel did not oppose the motion because, in his opinion, a review of the facts and law indicated the case was barred by the applicable statute of limitations.

The committee feels that this is an important factor in this case because it is readily apparent that the rights of the minor child may have been prejudiced by this failure to pursue the action. In this connection, the committee notes that the Department of Justice in its report to the committee stated that it is that Department's view that there is some question as to whether the claim filed as outlined above of Roseanne Jones was barred by the statute of limitations.

The Department of Justice report contains a reference to several court decisions concerning the running of the statute of limitations in situations which the Department of Justice feels are parallel to those existing in the *Roseanne Jones* case. In this connection, the Department stated:

"The statute of limitations applicable to this action provides that a tort claim against the United States is barred unless brought within 2 years from the time the claim accrues (28 U.S.C. 2401(b)). In an action based upon alleged medical malpractice it has been held that a claim accrues when plaintiff

knew, or in the exercise of reasonable diligence should have known, of the acts of negligence upon which the claim is based (*Quinton v. United States*, 192 F. Supp. 581, rev'd 304 F. 2d 234 (C.A. 5, 1962); *Hungerford v. United States*, 307 F. 2d 99 (C.A. 9, 1962)). In the instant action it appears clear that the parents of the minor plaintiff were aware of all the facts and circumstances of her injuries, except their permanent nature, by 1960. This would not seem to be sufficient to toll the operation of the statute of limitations to allow filing of this action subsequent to 1962 (*Brown v. United States*, 353 F. 2d 578 (C.A. 9, 1965)). In the *Brown* case the court found that the parents of the minor plaintiff, more than 2 years prior to the institution of suit, were informed as to the exact nature of the disability of the minor plaintiff and its relationship to prior medical treatment. Based upon this finding the appellate court was of the view that the parents had knowledge sufficient to alert a reasonable person that there may have been negligence related to the injuries for which the complaint was subsequently made.

"An unreported opinion, filed in February of 1968, in the case of *Tracy Louise Condon v. United States* by Judge James M. Carter, District Court for the Southern District of California, raises some doubt as to whether the action of the present claimant was in fact barred by the statute of limitations. In the *Condon* case the court distinguished the *Brown* decision and held, in effect, that there must be actual notice of the specific acts of negligence before a claim for malpractice will accrue under the Federal Tort Claims Act. In the *Condon* case the minor plaintiff was born at North Island Naval Hospital in 1951. Due to an incompatibility in Rh factors between her mother and father she suffered erythroblastosis at birth. The court found that the Government's physicians failed to properly treat this condition, which failure resulted in permanent injuries to the child including cerebral palsy and deafness. The Government raised the issue of statute of limitations since the evidence established that the parents were aware of the child's injuries and the causal connection between those injuries and the Rh incompatibility more than 2 years prior to the filing of their action in 1962. The court refused to accept this defense, stating:

"The causes of Tracy's condition were very complicated. Because of the limited medical understanding of the parents, they were unable to comprehend the nature of the negligence which brought about this condition without some expert assistance. It is clear that even though the parents knew a great deal about the Rh incompatibility, neither one had knowledge which would put them on inquiry regarding the treatment administered to Tracy after her birth.

"Mr. and Mrs. Condon knew of the child's disability and knew it was in some way connected with the Rh positive and negative factors of the parents. They knew Tracy was born jaundiced but previous children had been born jaundiced.

"Mrs. Condon was told that Tracy had brain damage but was not told of any acts of negligence. The doctor who examined Tracy for deafness in 1955 never explained the cause of such deafness.

"There was no notice to Mr. and Mrs. Condon of any of the acts of negligence found by the court nor would a person in Mrs. Condon's situation have reason to inquire whether these acts of negligence existed."

"Using the test of the *Condon* decision it may be argued that the parents of the minor plaintiff in this case likewise did not have sufficient knowledge of any acts of negligence so as to begin the running of the statute of limitations prior to 1964."

# Senate

MONDAY, JUNE 29, 1970

The Senate met at 9 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Lord of every day and every week, we offer Thee the love of our hearts and the service of our minds for the duration of this Congress. Be with us to guide us and bless us until the last problem is solved and the last prayer is said. Use us as ministers of hope and as emancipators of men imprisoned by superstition, or in slavery to evil passions, or in bondage to fear and injustice. Give us composure of soul and such inner certitude that we turn not back from the holy vision. As we expect much from Thee, so help us to attempt great things for Thee.

In Thy holy name we pray. Amen.

## DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., June 29, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,  
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 26, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from South Dakota (Mr. McGovern), there be a period for the transaction of routine morning business, with

a time limitation of 3 minutes on statements therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RECOGNITION OF SENATOR HATFIELD, OF OREGON, TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on tomorrow, immediately after the disposition of the Journal, the distinguished Senator from Oregon (Mr. HATFIELD) be recognized for not to exceed 40 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT FROM TUESDAY TO WEDNESDAY, JULY 1, 1970, AT 9 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday, June 30, 1970, it stand in adjournment until Wednesday, July 1, 1970, at 9 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT FROM WEDNESDAY TO THURSDAY, JULY 2, 1970, AT 9 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Wednesday, July 1, 1970, it stand in adjournment until Thursday, July 2, 1970, at 9 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, pursuant to the previous order, the distinguished Senator from Rhode Island (Mr. PELL) is now recognized for not to exceed 40 minutes.

Mr. PELL. Mr. President, the United States is at the point at which a critical and difficult national policy decision between two disagreeable alternative

courses of action in Indochina must be made. I believe that the choice that faces us must be clearly stated and honestly explained. I urge the administration to do so in order that the choice may be made wisely, deliberately, and honestly.

We may talk about Vietnamization, and delude ourselves into believing that the present South Vietnamese Government can become popular enough and capable of defending itself from its opponents within and without.

But, in our hearts we know the decision is whether we indefinitely shore up an independent South Vietnam with American men and money, accepting continuous drainage on our resources and a continued tearing apart and corrosion of our social fabric. And we ask ourselves whether the price, in terms of our national interest, is worth paying for this first alternative.

The second disagreeable alternative is to get out completely, letting the people of South Vietnam arrive at their own solution, a solution reflecting the realities and political forces in being there, knowing that the result could well eventually be a unified Vietnam under the leadership of Hanoi.

If there were a third, more pleasant and more palatable alternative, I am sure it would have been adopted by our President, who wants to carry out his awesome responsibilities in the best way he can. But I see no third alternative and, seeing none, believe that we must now face up to the difficult decision we have been trying so desperately, and for so long, to avoid. In facing up to this decision, the President is himself locked into an Indochina policy that has acquired its own constituency—and its own momentum. For many of those who surround our President, and who carry out our present policy, have a vested interest in proving the wisdom of present and past policies in order to prove that they were right.

My own belief is, provided that asylum is given those South Vietnamese who might be killed because of our departure and provided that our prisoners of war are returned, our national honor would be preserved and our national interest would be harmed less if we took the second alternative rather than the first.

The validity of this view is, I believe, borne out when we ask ourselves, "Why are we in Vietnam?" It is important to ask that question because as we consider the question of future American policy in Indochina, we often lose sight of the past. Even we in the Senate, who are deeply steeped in this problem, fall into the error, all too often, of not considering the problem of Vietnam, of Indochina, in the context of the past. We fall into the error of forgetting history, thus condemning ourselves to repeat it.

That repetition is easy to see. For example, I note that in the newspaper headlines the "Vietnam war" has now become the "Indochina war." Thus, we

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are returning to the name by which that conflict was known 25 years ago. Whether this verbal escalation is merely journalistic shorthand, or whether it reflects an actual escalation of the war itself, may be debatable. Certainly it cannot be viewed as progress. And, to many of us familiar with the history of that long and tragic struggle, it is an ominous development.

Let us look at the very name, Indochina. It is of European origin, not Asian. Insofar as it describes a region or group of peoples who have acquired their culture and tradition equally from India and China, the name is a useful designation of a region which has acquired much of its administrative and educational patterns from China and its religious and philosophical outlook from India. But, in the minds of the people who live there, no such composite place exists or ever has existed.

The Vietnamese themselves, who constituted about three-quarters of what became known as Indochina under the French, are a remarkably homogeneous people with a history going back more than a thousand years. When the French moved into Indochina in the last half of the 19th century, they did everything in their power to create and maintain a separation between Tonkin, Annam, and Cochinchina, the three regions of Vietnam. The Vietnamese, however, stubbornly remained in their own minds one people. And when they met at the conference table in Geneva in 1954 to formalize their independence, it was as Vietnamese that they insisted upon negotiating.

The other two divisions of French Indochina—Cambodia and Laos—were entirely different. The French imposed their rule on the Vietnamese only through the threat and use of force. In contrast, the rulers of Cambodia and Laos actually turned to France voluntarily. They did so because they sought protection from two traditional enemies, the Vietnamese and the Thais, with whom they had continuing border disputes and a long history of invasion. Or, to use the more current word, "incursion."

The French Union of Indochina was thus actually composed of five nations and three very different peoples. Failure to understand this reality had much to do with the ultimate failure of French policy in what they called Indochina. I sincerely hope that the sudden recurrence of this label in our own vocabulary does not indicate a similar failure of historical insight.

We in the Senate who are charged with constitutional responsibilities regarding our country's foreign policy cannot blind ourselves to the fact that, at this moment in history, our own Government has sent into Cambodia contingents of armies belonging to the two most frequent historic invaders of Cambodia—the Vietnamese and the Thais. And we have done so on the ground that we are protecting one group of Vietnamese from another.

One cannot but wonder how popular these actions really are among the Cambodian people—or how wise they will

prove to have been from the hindsight of history.

As to the Vietnamese themselves, there is no reason to believe that they will ultimately be more grateful to us for having thrust them into the arms of the Chinese than the Cambodians will be grateful to us for having thrust them into the Vietnamese. Nothing is more conspicuous in the history of Vietnam than its thousand-year resistance to Chinese aggression. One of the highlights of that history dates back to the 13th century, when Vietnamese soldiers defeated the Mongol armies of Kublai Khan. And as recently as 1946 the Vietnamese had unpleasant experiences with Chinese occupation forces under Chiang Kai-shek.

There can be no doubt that Communist Chinese military and economic aid are today welcomed by North Vietnam. There is room for considerable doubt, however, that the Vietnamese—north or south—would ever consent to become a mere Chinese satellite in Asia. And there is reason for long and serious thought about the extent to which American policy has contributed to forcing North Vietnam into dependence upon Chinese aid in the first place.

We cannot overlook the fact that during the Second World War it was only in Indochina that Europeans remained the masters of Asians. The French colonial administrators, by swearing allegiance to Marshal Petain and the Vichy government of occupied France, were able to maintain their routine administrative system—with Japanese blessing—until March 9, 1945, only 2 months before the German surrender in Europe. Japanese troops had entered Indochina in 1940, but numbered only a few thousand stationed just at strategic points. So far as the Vietnamese were concerned, French rule continued without interruption throughout the war.

However, the Convention of 1946 between France and Vietnam recognized Vietnam as a free, independent state which would be under the direct administration of the Vietminh and Ho Chi Minh in the North and with a referendum to be held by the people of Cochinchina in the South. But, in the South, the occupying British general, Douglas Gracey, violated this agreement and released the Japanese so as to safeguard the French from the Vietnamese.

The Vietnamese then began to fight again for their postwar independence; that is, to prevent a full return of the French colonial government. The cold war had not yet begun; the Vietnamese and the rest of the world viewed their struggle for an independent Vietnam as a phase of the revolt against colonial rule which was sweeping Asia after the defeat of Japan. By the time of the Geneva accords in 1954, India, Pakistan, Ceylon, Burma, Indonesia, and the Philippines had achieved their independence. The fighting continued only in Indochina, as it continues today.

In 1954, most of the world, while sympathizing deeply with the plight of France, believed that the Vietnamese had won their fight for national sovereignty. The Viet-Minh were not generally viewed

as simply an advance task force of Communist expansionism, although there were some opinions to the contrary. Vice President Nixon said in that year—

If in order to avoid further Communist expansion in Asia and particularly in Indochina, if in order to avoid it we must take the risk of putting American boys in . . . I personally would support such a decision.

Fortunately, President Eisenhower did not follow his Vice President's advice. We did not commit American manpower to Vietnam. Although we did not associate ourselves formally with the Geneva accords of 1954, which provided that the French would go, we agreed to respect that agreement. We stated "the agreement contains factors which we do not like, but a great deal depends on how they work in practice." We added that, in connection with the accords, the United States would "refrain from the threat or use of force to disturb them."

What were those arrangements? A close reading of the Geneva accords shows a clear recognition by all the parties that the demarcation line along the 17th parallel is specifically a provisional military demarcation line between the areas described as the northern and southern zones of Vietnam. It was also specified that general elections shall be held in July 1956. When these agreements were arrived at in Geneva, the general belief was that these elections might well result in the unification of Vietnam under the leadership of Ho Chi Minh. In fact, President Eisenhower wrote in his memoirs:

I have never talked or corresponded with a person knowledgeable in Indochinese affairs who did not agree that, had elections been held as of the time of the fighting, possibly 80 percent of the population would have voted for the Communist Ho Chi Minh as their leader rather than Chief of State Bao Dai.

The reason the election would not be held sooner was set forth in the Agreement as being "in order to assure that sufficient progress in the restoration of peace has been made and that the necessary conditions be obtained for free expression of national will."

The real meaning of this phrase was that France would be provided a grace period during which her troops would be withdrawn and her presence dissolved so that France and her representatives would not suffer the indignity of being present when their old enemies assumed control. The delay was really a means of helping France save face. In any event, the southern faction refused any participation in such elections unless under United Nations supervision, and this condition was refused by the north and not insisted upon by the French. Nor was there any indication that the United Nations would have accepted such a responsibility. After the agreements were signed, and pursuant to their provisions, some 900,000 Vietnamese including 755,000 Catholics, fled to the southern zone of Vietnam. In this regard, though, it should not be forgotten that there are still 800,000 Catholics living in North Vietnam.

The United States then took an active role in installing the decent, capable, and intelligent Ngo Dinh Diem as the princi-



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pal administrator to handle the machinery of government in the southern zone of Vietnam. Everybody laid down their arms and the conflict shifted from the field of battle to the political hustings. Diem did an excellent job in administering the southern zone—such a good job, in fact, that the United States became persuaded that the southern zone of Vietnam could be maintained indefinitely as an entity in itself. With the support of the United States, Diem waved aside the general election which had been specified at Geneva on the grounds that the necessary conditions for free elections had not been met. This action immediately precipitated a violent counteraction on the part of Ho Chi Minh and his followers, whose eventual objective was the removal of what they considered the last obstacle to a unified and independent Vietnam.

From this time on America was inevitably and inexorably drawn deeper and deeper into a political and military morass, the same morass which had defeated the best intentions and wisest counsels of other great powers in earlier years. We began falling into all the same traps as the French and, I suspect as did the court of Kublai Khan half a millennium earlier. For example, we were not satisfied with a "neutral" government in Laos under Souvanna Phouma and thus organized a coup which replaced him with a "conservative," Phoumi Nosavan. We first deluged Cambodia with American aid and assistance and then, disenchanted, found ourselves in a position in which some on the American payroll were implicated in a plot to assassinate Sihanouk.

During this time, after the 1956 elections were not held, the North Vietnamese used the eastern portions of Laos and Cambodia in order to send men and supplies through to strengthen the Vietcong in the southern zone of Vietnam. Applying the law of physics that for every action there is an equal and opposite reaction, our conservative candidate in Laos was soon ousted and we considered ourselves lucky to have our old foe, Souvanna Phouma, back in place rather than his leftist half brother, Prince Souphanouvong, head of the Pathet Lao. In Cambodia, Sihanouk asked that we cease sending American aid to his country; a request which, in a peculiar Alice-in-Wonderland way, we somehow interpreted as a hostile act. I should note, parenthetically, that I strongly disagree with our reaction on this score. I think that the sooner we realize that not to interfere means not to send in military and economic assistance, rather than vice versa, the better off our Nation and, particularly, our unfortunate taxpayers will be.

As the years went by, two Democratic administrations escalated the conflict. There were 600 Americans in Vietnam when President Kennedy took office; there were 16,000 when he died, although none were involved in direct combat.

It is a moot point, but we might ask ourselves if President Kennedy would have continued to escalate our involvement if he had not been assassinated. On September 2, 1963, not long before he was killed, President Kennedy said of our involvement in South Vietnam:

In the final analysis, it is their war. They are the ones who have to win it or lose it. We can help them, we can give them equipment, we can send our men out there as advisors, but they have to win it, the people of Vietnam, against the Communists.

But President Kennedy was killed, and President Johnson continued the escalation to the extent that when President Nixon took office in January 1969, we had 532,500 men committed to that sweltering arena. President Nixon improved the situation substantially. In the course of a year and a half, he withdrew 104,450 men, and the level of violence and casualties declined. His policy of "Vietnamization" seemed to gain wide acceptance in the United States, although I must add that some of us with a long view of history were and still are skeptical.

Speaking as an American parent, Vietnamization is, of course, an improvement over past policies in that it means the substitution of Vietnamese fighting soldiers for American fighting soldiers. But Vietnamization does nothing to change the fact that the war in Vietnam has become increasingly a war of American objectives rather than of Vietnamese objectives. The principal American objective is to prevent the unification of Vietnam under Communist rule. To save the southern zone of Vietnam from this fate, we have been willing to destroy as much of the country as may be necessary. I am reminded of Tacitus' words, "We made a desert and called it peace." We are now concerned, too, about the bloodbath that might occur if we left, as I believe we should be. But, from the viewpoint of the unfortunate Vietnamese, to be burned to death by napalm or otherwise, dismembered by B-52 bombings is just as disagreeable and deadly as having their throats cut by the Vietcong. We should remember that we have already dropped a greater tonnage of bombs on the little country of Vietnam than we dropped everywhere in World War II and in the Korean war combined.

After taking office President Nixon certainly "cooled" the situation in Indochina and improved it. He had improved it, that is, until April 30 when he announced the invasion, or—as it has been characterized—the incursion, into Cambodia. There is, of course, a military argument for this invasion, but that argument was as valid 5 years ago as it is today. The military facts of Indochina were as apparent to Presidents Kennedy and Johnson as they are to President Nixon. Yet the two previous Presidents compromised in Laos and respected Cambodian neutrality for the simple reason that they knew that the ultimate result of any armed initiative in these countries could only mean the enlargement of the war.

Several months ago, a nonmilitary factor changed—Sihanouk, who had been following a more or less neutral policy, was replaced by Lon Nol and a pro-Western government in Cambodia. Our eagerness in rushing to aid Lon Nol reminds me of a marvelous line from Art Buchwald's "Sheep on the Runway": "We want neutral nations as long as they are in the Western camp." Unfortunately,

Sihanouk's Cambodia was a neutral nation that did not measure up to this requirement. Many people were surprised at the intensity of public reaction to the American and South Vietnamese invasion of Cambodia. It was not a large operation. It made some military sense tactically, although strategically I believe it will prove to have been against our long-term national interest. Our action not only automatically enlarged the war into Cambodia itself, but also spread it into the new dimension of the sea where a de facto "selective blockade" was applied to the Cambodian coast.

Our invasion of Cambodia was like fighting an oil fire with water, for we have not put out the fire, but have spread the conflagration. Our military gains in Cambodia, whatever they prove to be from a tactical viewpoint, may ultimately prove disastrous. We are exchanging short-term gains for very possible long-term catastrophe. A conflict that had been largely confined, through restraint on all sides, to Vietnam and the areas bordering on it now threatens to engulf all of Indochina—Cambodia and Laos as well—with all the reopening of ancient enmities which that implies.

If we embark seriously on a campaign of eliminating enemy sanctuaries, we will be committing ourselves to an ever-widening war on the mainland of Asia. Should we commit our combat forces to Laos, to attack the Vietcong there? Should we send our troops across the DMZ to attack "sanctuaries" in North Vietnam? And having done that, are we prepared to attack "sanctuaries" in Communist China? The lesson, it seems clear to me, is that in pursuing the enemy across international boundaries, we would be pursuing a chain of sanctuaries that leads finally, not to peace, but to total war. That is why I say that such a policy would be disastrous.

From a reverse viewpoint, I most certainly would oppose the right of North Vietnam's allies, China and the Soviet Union, to attack the sanctuaries from which our bombing planes fly, either our airfields in Thailand or our aircraft carriers in the South China Sea.

From the constitutional viewpoint, many of us in the Congress became very concerned when the President, uninvited, marched our servicemen over the borders of a nation without consulting with the Congress. This action was unprecedented in our history. A close reading of the Constitution and of the Federalist papers makes it clear that the President, as Commander in Chief, has unlimited powers in directing the conduct of a war. But in declaring war or, I believe in expanding war to cover new countries, the Congress has a constitutional role.

Our Founding Fathers very sensibly planned for this division of power as a safeguard for our Nation. One branch of Government, the Congress, could make laws and declare war. Congress was not given power to wage and direct war. Another branch of Government, the executive, which has the responsibility for executing, or carrying out the laws Congress passes, was given the power to wage and carry on war. But, the executive was not given the power to declare or commit us to war. These provisions of

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the Constitution mean that unless both the Congress and the President believe war is necessary, the United States cannot make war legally.

Now what should we do in the future? First, we must determine what is our true national interest. As Palmerston once said:

We have no eternal allies and we have no perpetual enemies. Our interest are eternal and perpetual and those interests it is our duty to follow.

I submit that our national interest would best be served by our withdrawal from Indochina. If our withdrawal resulted in a unified Vietnam, even if under Communist rule, our national interests would be better served than by the alternative course of our remaining there indefinitely to shore up an independent South Vietnam with all the resultant damage to our Nation and our Health and educational priorities at home. Moreover, a unified Vietnam would serve as a relatively firm barrier to Chinese expansion. Actually, our history has shown that we are better off—and certainly our taxpayers are better off—with neutral countries rather than with vulnerable, mushy allies unable to survive without American assistance. And, in my view, South Vietnam certainly meets the latter description.

From a military viewpoint, I think we have come to recognize that the war is unwinnable within the framework of the political situation as it is. We can destroy every young North Vietnamese soldier only to find an inexhaustible supply of manpower in China waiting to be invited to replace them.

From an economic viewpoint, while it is sometimes argued that the interests of our industrial-military complex are so basic to our Nation, are so woven into the fabric of our national structure, that diminution of our war efforts would result in collapse of our economy and be against our national interest, our history does not show that. Peace would bring economic change and uncertainty. But our periods of greatest real economic growth as a Nation have been in times of peace. Actually, our present economy with its escalating inflation, escalating interest rates, escalating unemployment, escalating deficit, and escalating unfavorable balance of trade is not in too hot shape.

In determining our national interest, we must be guided by our obligations. An obligation into which we have freely entered and which was not honored would obviously be a dishonorable action on our part and abhorrent to us. From a nation interest viewpoint, the value of our word among nations would be cheapened.

But what are our obligations under the Southeast Asia Collective Defense—SEATO—Treaty? That treaty states that in the event of armed attack on any of the nations involved, each nation "will in that event act to meet the common danger in accordance with its constitutional processes." The treaty further states that in the event of any other danger to the integrity, sovereignty, or independence of the designated countries we shall "consult immediately in order to agree on the measures which should be taken for the common defense."

When my predecessor, Senator Theodore Francis Green, pressed Secretary of State John Foster Dulles on our precise obligation under this section, Secretary Dulles said:

If there is a revolutionary movement in Vietnam or in Thailand, we would consult together as to what to do about it because if that were a subversive movement that was in fact propagated by communism, it would be a very grave threat to us. But we have no undertaking to put it down; all we have is an undertaking to consult together as to what to do about it.

I would agree that we had an obligation to give the people of South Vietnam some support, both in materiel and in manpower, to help them get established since we had installed a separate government there. But after having 50,258 Americans killed and 278,814 Americans wounded there and spending more than \$100 billion, I believe that our obligation has been more than met.

In terms of my own State of Rhode Island, the war has cost the irreplaceable lives of 142 young men. It has also cost our Rhode Island taxpayers \$649 million since 1965. This means that Rhode Islanders are continuing to foot the bill for the war in Vietnam to the tune of \$296,000 every day.

I believe, however, that we do have an obligation to those South Vietnamese who sided with us, whether for reasons of cupidity or patriotism, and would suffer if we left. There is some question as to how many people would actually suffer if South Vietnam came under Communist administration. The example is often cited of Hue, which after having been occupied by the North Vietnamese was found to have mass graves with many bodies in them. We had assumed these people had been shot by the North Vietnamese, although a story has surfaced to the effect that our bombing and razing of a great portion of Hue resulted in many deaths and that these victims, too, were buried in the same open trenches.

In any case, I believe that many individuals would suffer if we left and did not provide them with asylum. For this reason, I believe that we should, preferably in association with the United Nations, make provisions for asylum in other countries for any South Vietnamese who wishes to take refuge. Here, as I have suggested before, Borneo, with its geographic closeness, its climatic similarity and its lack of population, might prove to be a good place for many of these South Vietnamese to settle.

If this did not work out, then some other resettlement plan should be worked out, preferably in association with the United Nations. Actually, a large number of South Vietnamese have already made accommodations with the Vietcong, and many of the rich South Vietnamese reportedly already have bank accounts and even property abroad.

The basic problem today, as I see it, is that the administration has not made up its own mind regarding the basic choice it faces—whether it is more in our national interest to withdraw all our troops, even if this action results in the eventual unification of Vietnam under Hanoi; or whether it is more in our national interest to maintain the division of that

country, even though we would have to leave a large garrison there in order to do so.

We have taken the second choice in Korea, and it has worked. But that is a very different situation. South Korea has a government that is strong and respected by the people who are, themselves, remarkably unified in their opposition to North Korea. The strategic situation, too, is very different in that the whole of South Korea, a peninsula, is accessible from the sea and there is a relatively narrow land boundary which separates the North from South Korea. And we had and have United Nations approval and support of our own actions there. On the other hand, in South Vietnam, the government does not enjoy the support of its people, the hostile land frontiers are longer than the sea frontier and, except for token Australian and New Zealand forces and for various mercenary troops, we have little world support—and no United Nations support.

I believe that there is only one way to get out of Southeast Asia, and that is to accept the fact that the damage caused by our continued military presence there to our true national interests and to our economy and social structure far outweighs the questionable advantages that result to our national interest by maintaining the Thieu-Ky government in South Vietnam or even of maintaining the division of Vietnam into two countries. When we have accepted that fact, we should firmly carry out the resulting decisions as best we can, recognizing, as France did in 1954, that the decisions may well result in a unified Vietnam under Hanoi.

If the President and the executive branch will not make this decision, then I believe we in Congress should make it and require the executive branch to implement it. It would be more orderly if the President made it himself, but if he does not, then we in Congress who feel as I do have no alternative but to support the McGovern-Hatfield "End the War" resolution or a similar one.

The ideal solution would be to return to the Geneva accords. However, the North Vietnamese have been let down by the West in honoring these accords, and I would imagine that they would seek to drive a harder bargain now. For instance, they might well demand a firmer timetable for our departure than they did of the French. And this in spite of the fact that the French were soundly defeated on the field of battle, while we have most definitely not been defeated on the field of battle. My own view is that the most dignified and honorable way of extricating ourselves from South Vietnam and serving our own interests would be to establish the timetable ourselves.

I am impressed by the suggestion of former Secretary of Defense Clark Clifford, a man who knows the situation as well as anybody, that we establish such a timetable with a provision that we would speed up our withdrawal if the North Vietnamese cooperated. The only two firm requirements for our departure should be the release of our prisoners of war and asylum for those South Vietnamese whose lives would be endangered by our departure.

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Many friends of mine have written and urged me to back the President, saying that he is our only President, that he knows more of the situation there than any of us, that he is trying to do the best job he can, and that we should back him and our country, right or wrong. But as a man who has been in the Senate for 10 years, who has been sitting on the Foreign Relations Committee since 1964, and who, for some years now, has been in favor of withdrawing from this war, of deescalating it rather than escalating it, I would reply with the words of Carl Schurz: "My country right or wrong. But, when right, to keep it right, and when wrong, to put it right."

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the role.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I wish to take this occasion to commend the Senator from Rhode Island on a brilliant and calm presentation of a very complex and emotional subject; namely, the war in Southeast Asia.

I think that from time to time it is very important for us to put this matter into historic perspective. We tend to act or react to the events of the day, rather than to see the situation in its totality or in its historic perspective. The Senator from Rhode Island has done a great service to the Senate by recounting the events which led up to our present involvement in Cambodia.

I should like to ask the Senator a question or two on a subject which he discussed in his presentation relating to what is commonly assumed will be a blood bath if the United States should withdraw or when the United States withdraws.

Would the Senator not agree that is rather an unchallenged assumption that should be carefully analyzed especially in light of the relative troop strengths that exist on the two sides? I refer specifically to the fact that, according to official figures that we get, at most about 220,000 Vietcong, National Liberation Front, and North Vietnamese are involved in the fighting in South Vietnam, and that they are backed by an additional 400,000 members of the North Vietnamese Army, in North Vietnam. On the other side, at least 1 million South Vietnamese troops are under arms supplied by the United States and are supposedly pretty well trained by American personnel.

Would the Senator not agree that in light of this balance of power, that certainly is to the benefit of the South Vietnamese, a blood bath subsequent to American withdrawal is a scare tactic, or might be called a scare tactic, used by those who would like to see this war continued, or would like to see American involvement continued?

Mr. PELL. The possibility of a blood-bath is a contingency; but as we withdraw, I think we have to face up to the worst possible effects of our withdrawal which it should certainly include such a contingency.

This is what I have sought to do in my presentation today. One of the worst possible effects would be a bloodbath. There is no absolute certainty that there would be a bloodbath. As I have noted it appears there is a possibility that some of the people buried in the trenches at Hue may well have been killed by American bombs, so those deaths may not be clear evidence in themselves that a bloodbath would ensue.

But in the light of the experiences that China underwent when it was Communized, and on the basis of my own observations while serving as an American Foreign Service officer in a country when the Iron Curtain went down and the Communists took over, I feel one must recognize that in such cases a great harshness descends on the land. In some cases, people's property is expropriated while they are allowed to survive; in some cases they are sent to jail and bestially treated, and in some cases they are simply killed. I do not know in which of these categories South Vietnam would fall. But in case a bloodbath appears likely, I think we should be prepared for that contingency. I think there is a good chance it would not occur, but the possibility has to be accepted.

Our withdrawal would not mean that Vietnam would automatically be unified under Hanoi. As the Senator has pointed out, Saigon has vast resources and a large army of its own, and, under a popularly respected government, South Vietnam might be able to maintain its separate status.

But I have sought to follow the line of responsibility in recognizing the worst possible contingency that could develop if we withdrew. I think there is a possibility that the country would be unified under Hanoi; but I think, even so, our best interests would be less harmed by our withdrawal than by remaining. To answer the Senator's question, it is a matter of contingencies, but we must prepare for the worst contingencies and hope that they will not occur.

Mr. HATFIELD. Does not the Senator also agree that those who raise this question oftentimes recognize, even though they may not say so, that it takes more than military power to create a viable society and government behind which people are willing to unite and fight; that even though South Vietnam has a great superiority of equipment and manpower, both numberwise and equipmentwise, there may be a political element lacking in this whole matter of maintaining an independent Thieu-Ky regime after American withdrawal, the political element being that perhaps the South Vietnamese people have not sensed a cause for which they are willing to fight and give their lives, and that, after all, this perhaps is more of an American cause that has been superimposed from the outside, which has not really any deep roots of support from within?

Mr. PELL. I think there is very great merit to what the Senator says. Originally there was a Vietnamese cause here, but the American cause, the American emphasis, the American objectives have gradually taken over what was in fact originally a civil war. So, by the same

token, given a government that has the support of its people, one does not have to worry so much about its stability. That government might not be a democracy. I think we are very wrong in feeling that our form of government, or a democratic form of government, even, is what every nation should have. There are governments around the world where they have paternal despotism and other kinds of government, where the people accept it and work within it as much as they can, and make do; and sometimes we find they would not particularly want to change it.

We have a good example of that in Portugal, where we have not had anyone executed or tortured for political reasons for 30 or 40 years, under the government of Salazar and now of Caetano.

I think if there were a more crushing hand, the people would have risen. But what has the government of Portugal done? It has recognized the various political forces in being, and has worked with them. Where you do not have a government that accepts the political forces in being, then I think a country is destined for trouble, and this is what has happened in the southern zone of Vietnam, more commonly called South Vietnam.

Mr. HATFIELD. Mr. President, I think the Senator has put his finger exactly on the target when he says we seem to proceed under the assumption that every country wants to be exactly like the United States. We seem to have a sense of mission, that we want to go around the world creating little Americas, molding everyone in our own image; and actually we attempt to do so, oftentimes, with ignorance of the cultures, the histories, the languages, and all other elements that make up another society or another people, and we, as I say, just sort of assume that they all want to be like us.

I recall that when I was with the U.S. Navy in Hanoi in 1945, it was at a time when Ho Chi Minh had just raised the flag of Vietnamese independence over the city hall. Ho Chi Minh had been our ally in the Pacific during the war against Japan. We were in Hanoi at that particular time to pick up some of Chiang Kai-shek's troops, to take them up to north China to fight the Chinese Communists.

I recall very vividly that the people at that time were enthusiastically behind the Ho government. We were cheering the Ho government; they were our ally. It was not a hammer and sickle that was flying over the city of Hanoi. On the day I was in Hanoi, it was a flag of Vietnamese nationalism flying there. Those people sensed a time in their lives when they had achieved a goal of independence from all foreign intervention—French intervention, Japanese intervention, and Chinese intervention. I think sometimes we fail to recognize the history of a people who resent any intervention from the outside, including that of the United States.

I believe that putting, as the Senator has this morning, this whole picture into the perspective of history, could be very helpful for a better understanding of

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why we have had to spend more than 40,000—almost 50,000—American lives and \$140 billion, why the French lost 100,000 troops there trying to establish that country's control, ending the debacle at Dienbienphu, and why we are never going to achieve the kind of victory the American people have called for or would like to see us achieve, or that even the President has talked about, until we first of all confront the history and the events leading up to this particular day.

When we do that, I think the American people will see that our presence there is futile, that our presence there will achieve no purpose, and that, at the present rate of Vietnamization, it will cost us as many as 10,000 more American lives and \$40 billion or \$50 billion more, and I feel that it is not worth the cost, that it is not worth one American life, when we face this situation.

So I personally am very happy to see the Senator from Rhode Island present his comments this morning. I am only hopeful that they can be distributed far and wide, that not only Senators, but all Americans, can read this statement, because it is a calm and accurate statement, one that comes from his experience on the Senate Foreign Relations Committee and from long concern over our involvement on the part of the Senator from Rhode Island. I think when the Senator from Rhode Island speaks, he speaks with great authenticity. Therefore I am very grateful to the Senator for his presentation this morning.

Mr. PELL. I thank the Senator.

The ACTING PRESIDENT pro tempore. The time of the Senator from Rhode Island has expired.

At this time, under the previous order, the distinguished Senator from Ohio (Mr. Young) is recognized for not to exceed 20 minutes.

#### THE CREDIBILITY OF THE PRESIDENT

Mr. YOUNG of Ohio. Mr. President, one argument being heard these days in the debates over the Senate attempt to reassert its constitutional authority to declare war is that such actions might reduce the credibility of the President.

Apparently, leaders of the administration need no help to reduce the credibility of President Nixon. During the week of May 15, White House officials asked a group of reporters, including James Reston of the New York Times, "not to embarrass the Government by printing the details" of the U.S. air raids over Cambodia, Laos, and North Vietnam the previous weekend. President Nixon tried to keep the raids a secret from the American people, but they became known by news dispatches from Hanoi.

Such actions on the part of a President and of officials in the Pentagon certainly do nothing whatever to enhance the credibility of the administration in the eyes of the general public.

Mr. President, the only person who can control the credibility of President Nixon is the President himself.

#### BRING OUR BOYS HOME FROM KOREA

Mr. YOUNG of Ohio. Mr. President, approximately 19 years have elapsed since American soldiers and soldiers of Turkey and other friendly nations were engaged in combat in Korea, fighting under the blue flag of the United Nations. Today, there are approximately 60,000 American GI's, marines, and airmen stationed in South Korea, most of them along the demilitarized zone on the 38th parallel separating South Korea and North Korea.

Earlier this month, officials of the North Korean Government boasted that an American ship had been sunk in North Korean waters. State Department officials were quick to deny that any U.S. vessels had been operating in the area, and claimed that the lost ship belonged to South Korea. Yet, the North Koreans achieved the desired propaganda impact. Once again our extensive involvement in Korea has placed us in a preposterous and embarrassing position in the capitals of the world, particularly in the capitals of Asia.

Except for a few advisers and observers, all our troops should have been returned to the United States years ago, and certainly every one of the combat troops should be returned to the United States as soon as possible within the next few months. They should be returned by planes and ships, in the same manner they were sent there.

In the years following the Korean conflict, there was justification for our continuing a strong military presence in South Korea. It was obvious that the Armed Forces of South Korea at that time and for possibly 5 years thereafter would by themselves have been unable to repel a second attack from the north.

However, Mr. President, we have continued our presence in Korea far longer than necessary. The South Koreans are now capable of defending themselves.

The fact is that today South Korea has a regular army of 550,000 well-trained men, the fifth largest standing army in the world. North Korea has a standing army of but 350,000 men. There are 17,000 men in the South Korean Navy and only 9,500 in that of North Korea. South Korea has 30,000 men trained as marines, while North Korea has none. In addition, the reserve forces of South Korea number more than 2 million men who drill at least twice a week. North Korea has a reserve force of but 1,200,000 men. The Republic of Korea—ROK—standing army and reserves are well equipped with the most modern weapons.

The only category of arms in which North Korea exceeds South Korea is in its air force of 25,000 men and 590 combat aircraft. The South Korean Air Force is composed of 23,000 men with 215 combat aircraft.

South Korea is the only nation in the world to provide substantial armed forces to assist us in Vietnam. More than 53,000 Republic of Korea soldiers are now fighting in Vietnam alongside our forces.

According to our military experts, they have fought hard and well. I reviewed the Tiger Division over there, and I know that they are fine combat troops, from my own observation. Many South Koreans have been killed and wounded in combat in South Vietnam. The famed ROK Tiger Division has earned the respect of its allies and foes as have other units in the ROK Armed Forces now in combat in South Vietnam.

Of course, these troops were transported to South Vietnam on American ships and planes and are maintained there entirely at the expense of American taxpayers. South Korea, in reality a client nation of the United States, was given hundreds of millions of dollars in addition to military and economic assistance as a quid pro quo for helping maintain the Saigon militarist regime of Thieu and Ky in power.

Since 1951, the United States has given more than \$3 billion in military assistance to South Korea. In addition, we have given \$4.6 billion in economic aid to that country. Its increasing prosperity is in large part a result of our help.

Mr. President, on two occasions in recent years I had the opportunity to visit South Korea. I visited with our GI's along the 38th parallel at Panmunjom and elsewhere and saw myself the hard conditions under which they live during their tour of duty. Very definitely, it is no longer necessary that we continue to maintain any armed forces in South Korea in view of the present strength of the South Korean military forces.

Furthermore, South Korea with 31,200,000 people is twice as populous as North Korea with its 13,300,000 people. The economy of South Korea is booming and the degree of its economic growth is tremendous as compared to that of North Korea, a poverty stricken, backward nation, and, as a matter of fact, as compared to the United States.

President Nixon has pledged to withdraw another 50,000 American troops from South Vietnam in the next few months. Hopefully, all U.S. troops will be out of Southeast Asia within the next year and our involvement in that immoral, unpopular civil war ended.

At that time, and it should be this year, the 53,000 South Korean troops we are supporting and maintaining in South Vietnam will also be returned to their homeland. There can no longer be any justification whatever for our continuing to station thousands of young Americans in South Korea. They should be returned home immediately.

South Korea has the military and naval strength to defend itself against any possible attack from the north. In the very unlikely event of that occurring, our warplanes stationed in Japan and Okinawa are only a few minutes distant from Korea and could readily come to the assistance of the South Korean Air Force, if that assistance were required.

Mr. President, administration officials, particularly those in the Defense Department, should begin immediate planning for withdrawal of our forces from



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South Korea. This would be an important first step in reducing tensions in the Far East, in determining just what are our vital national interests in that part of the world and in the reevaluation of our entire Asiatic policy which must and will result with our disengagement from Vietnam.

The U.S. military presence in Southeast Asia should have been ended long before now. With the armed forces of the Soviet Union and Communist China fighting each other sporadically along their common border of more than 6,500 miles there is no longer any valid fear of a huge monolithic threat of aggression in Southeast Asia from the combined forces of the two great Communist powers, if there ever were basis for such fear.

Mr. President, the United States does not have a mandate from Almighty God to police the entire world. We saved South Korea from Communist aggression. That was done while President Harry S. Truman—one of our greatest Presidents—was Commander in Chief of our Armed Forces, and he ordered that done under the auspices of the United Nations. The soldiers of Turkey and other countries represented by the United Nations fought beside our troops in Korea under the blue and white flag of the United Nations. But the heads of state of those countries today are embittered toward the United States because of what we have done and what we are doing in South Vietnam.

In the years since, we have assisted and enabled that country to have the power to defend itself against any possible future attack. It is time for South Korea to stand on its own two feet.

In 1950, Gen. Douglas MacArthur came over from Japan at the direction of President Harry Truman and assumed command of the United Nations forces against the invading North Koreans. He led the landing at Inchon, winning a splendid victory, and the North Korean forces retreated above the 38th parallel.

General MacArthur divided his forces making a two-pronged attack with a mountain range in between. The North Koreans were driven back and General MacArthur, disregarding orders from President Truman, moved our forces north, close to the Chinese border. Military intelligence informed him that the Chinese would not intervene in the Korean conflict. That military intelligence proved 100 percent wrong as has often been the situation. Hundreds of thousands of Chinese soldiers crossed the Yalu and attacked our troops. Our forces fought valiantly against the horde of ground forces of Communist China who successfully drove back both columns of our Armed Forces so imprudently divided.

Our divided armies were driven back with great slaughter. The bitter war waged under the auspices of the United Nations, instead of ending triumphantly following clearing out invaders of what is now the entire area of South Korea, resulted in a stalemate. It was later settled with armistice negotiations at Panmunjom which brought an end to large-scale fighting.

Very definitely we should several years ago have reduced our Armed Forces in Korea and I assert that before October we should certainly bring back to the United States all of our combat soldiers now stationed in South Korea.

May I add that in the remote event the North Koreans were to attack our Embassy in Seoul, South Korea, or take any other action against the United States, we have our warplanes on carriers in the China Sea and stationed in Japan and Okinawa, a few minutes distant in flying time from North Korea.

But, Mr. President, there has never been any threat, any indication, any hint, of any aggression on the part of North Korea against us.

Mr. President, I yield the floor.

## ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. BAYH). Under the order previously entered, the distinguished Senator from Maryland (Mr. MATHIAS) is now recognized for 20 minutes.

## VIETNAM PEACE PROPOSAL

Mr. MATHIAS. Mr. President, the last 2 years have brought a succession of American and allied military triumphs in South Vietnam. Today, as our troops, rewarded with the spoils of battle, withdraw from Cambodia, United States and South Vietnamese forces in Vietnam hold their strongest military position since the war began.

The North Vietnamese armies exposed to combat in the south last year were severely beaten. In the past month, moreover, they lost a sizable proportion of their supplies in Cambodia. The Vietcong, once in control of a majority of the South Vietnamese people, now are said to be restricted to areas occupied by only an estimated 10 percent of the population.

As a result, the Vietcong have been driven to ever more extortionate methods in gaining sustenance from the peasants they still control. The new Vietcong tactics together with the death of Ho Chi Minh, the one Communist leader widely known and respected in the south, appear to have significantly diminished Communist support among the rural South Vietnamese.

The North Vietnamese have responded to this situation by abandoning their previous calls for early victory and by returning to the rhetoric and tactics of prolonged guerrilla struggle. As part of this shift, they have initiated a campaign of assassinations against pacification officials, similar to their selective killings of village leaders in 1958 and 1959. In recent months more than 1,000 officials have been assassinated.

In a sense, therefore, our military victories have restored the conditions of the late 1950's which prompted our intervention in the first place. To be sure, the Vietcong do not now command the popular support they enjoyed against the regime of President Ngo Dinh Diem. But they seem to have resumed a long-term guerrilla strategy like the one that finally incapacitated the Diem government.

Regardless of the improved military position of the allied forces, however, the prospects for peace seem as dim as ever. Both sides took significant initiatives last year—revising their negotiating positions and deescalating their military tactics—but no real transactions were achieved in the talks. Now the chief Communist negotiators have left Paris and the United States is represented by a professional team which is both experienced and skilled, but which lacks the charisma of a figure immediately recognized in the world arena, and therefore with a mandate which is realistically limited to the next cable. The North Vietnamese, even as they resume in the south the Maoist tactics of prolonged struggle, are being lavishly praised in Peking. The influence of Moscow, considered instrumental in gaining Hanoi's participation at Paris, seems correspondingly diminished.

The war, almost won by allied forces in South Vietnam, in strict military terms, is meanwhile being expanded throughout Indochina. The polarization within Vietnam's neighbors which began in Laos has extended to Cambodia. Prince Sihanouk, once a practitioner of delicate neutralist maneuvering, has emerged as a front for a new Communist military campaign in his own and neighboring countries.

These developments seem to have eclipsed the hope for fruitful negotiations in the near future. Yet, if an early peace is to be achieved, if the killing is to end, if our prisoners of war are to be recovered—if a geographically expanded repetition of the Vietnam syndrome is to be avoided—talks are imperative.

The fundamental and undeviating aim of U.S. policy must be to end the fighting and negotiate for our irreducible interests. These interests are not promoted by continuing the war. The release of prisoners, for one crucial example, cannot be achieved through military action—only through negotiations.

Nor can the territorial integrity of Laos and Cambodia be maintained by continued fighting within their borders. Only a regional settlement can offer any hope at all of protecting these precarious nations. Because they are relatively unimportant politically and economically, they may be unmolested in peacetime. As long as the war continues, however, Laos and Cambodia remain military prizes and their independence will be in jeopardy.

The containment of China moreover, is not promoted by continued devastation of the countries near its borders. Ultimately, China can only be contained by a thriving Southeast Asia. North Vietnam, with its strong nationalist and anti-Chinese tradition, must play a part.

All our key goals, thus depend on a negotiated peace. But we must recognize today that the positions of both sides prohibit productive talks. The Communists will not negotiate as long as we refuse to suspend offensive military activity against them and commit ourselves to a timetable for the total withdrawal of American troops. The U.S. position, on the other hand, has been that only unremitting military pressure can induce the Communists to talk. For sev-

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eral years, this approach has failed to produce results.

As a way out of this impasse, I would like to propose the application of two concepts which have proved useful in the past in quite different ways and circumstances.

One is the GRID plan advocated in 1966 by a group of Republican Congressmen of the House, including myself. GRID stands for graduated reciprocal identifiable deescalation. This proposal was conceived in 1966 as a way of stopping the bombing of the North—zone by zone—in exchange for identifiable but not necessarily declared steps of reciprocation by the Communists. Columnist Charles Bartlett has reported that the GRID plan was the basis of President Johnson's limited bombing halt.

Regardless of its origins, this approach of graduated deescalation—even if uncertainly pursued—did eventually lead to the opening of negotiations. The maintenance of military pressures, on the other hand, has brought no discernable progress in the talks. The broad concept of gradual deescalation should be tried again now.

For the specific mode of application of this approach to peace, I think it may be illuminating to turn from the GRID concept and consider the premises of one of our most controversial offensive military techniques: the free-fire zone. For years we have designated certain restricted areas of Vietnam for relatively unrestricted military activity. After issuing warnings designed to clear the region of all noncombatants, we issue orders authorizing attacks on all remaining persons and targets.

According to many reports, including Jonathan Schell's lengthy eyewitness accounts in the New Yorker, this practice has often been abused. The warnings are often faulty and the firing all too free. The alleged massacre at Song My, for example, was an illustration of the free-zone fallibility and consequent liability to final policy objectives.

Nonetheless, the fundamental concept of following policy declarations with corroborative military action is not without useful possibilities. In a different form, it may be applicable as an interim measure in the quest for peace.

I am proposing that we reverse the concept of free-fire zones and create areas of ceasefire that might be called fire-free zones. The United States would pledge to cease combat operations in a specified area if the Communists would also observe a ceasefire. The plan's success in one area could lead to its gradual extension throughout South Vietnam.

This approach would be easier for both sides to accept than more comprehensive peace plans. To minimize risks, the zones for ceasefire would be chosen with the advice of appropriate military authorities. Vietnamization could continue and our negotiating position would not necessarily change in the early stages. The Communists, on the other hand, could acquiesce in a limited fire-free zone without any dramatic renunciation that would be politically impossible for them.

Nevertheless, as the fire-free zones were extended, the nature of the con-

flict would change; killing would diminish and local political agreements might become possible. Ultimately the climate for a general settlement would improve.

To date the administration has attempted to promote negotiations by simultaneously enhancing the allied military position and making concessions in our negotiating terms. Designed as two complementary tracts to a resolution of the conflict, this pedagogic approach seems instead to have nullified itself. The military activities entailed by Vietnamization—and the resulting military advantages—have reduced the Communist interest in negotiations. The bad boys refuse to take their punishment gratefully. The Communists, moreover, have also decided to Vietnamize the war in the South—avoiding direct confrontation with American forces—and have initiated major new campaigns in Laos and Cambodia. It seems clear, therefore, that the attempt to simultaneously blandish and intimidate Hanoi has failed.

What is needed now is a new move by the United States aimed at reducing the scope of the fighting and thus improving the climate for resuming serious negotiations with the Communists. Our primary concern—as the President has often stated—is to protect our troops during the coming period of relatively rapid withdrawals. In recent months we have defended our troops through protective reaction strikes in the North and against the Cambodian sanctuaries. Now I propose we protect them by a combination of diplomatic overtures and military stands.

This cease-fire approach, seeking an end to the conflict, would as much as possible reform, renew and revitalize the Vietnamization policy. Although the current policy undoubtedly intends that American participation should diminish, it seems also to entail a conflict with broader geographic scope, great political polarization, and thus possibly a greater U.S. stake in the outcome. With American interests still so deeply involved and the war continuing, total withdrawal becomes unlikely.

The graduated cease-fire program I am proposing would be accompanied by serious diplomatic initiatives. We should begin by refurbishing the American delegation to the Paris peace talks, either by conferring signal honor on the career foreign service officers there or by naming a widely known team captain. Our objectives should be to replace an approach which has seemed to tend toward regional polarization, with an attempt at neutralization.

We should attempt to create conditions for negotiations among the interested parties in Vietnam. We cannot conduct these negotiations for them. But we can restrict the conflict as much as possible to Vietnam and create the conditions of American withdrawal under which any settlement must endure. I believe that a graduated cease-fire program—fire free zones—such as I am proposing today is one promising step in this necessary process.

These measures in Vietnam and Paris should be accompanied by an unflagging effort in the Congress to assume its con-

stitutional responsibilities with relation to the Vietnam war. In the near future I hope there will be other new proposals to engage both the President and the key congressional committees in a cooperative effort to develop new legislation regarding troop withdrawals. A graduated cease-fire in Vietnam, however, would be a useful complement to all current congressional proposals to end the war, including programs for a comprehensive stand still ceasefire throughout South Vietnam. I hope that this limited initiative will be closely appraised in the executive and that, regardless of division on the nature of the settlement to be pursued, the country can unify behind the principle that the killing must stop.

## ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order the Chair recognizes the junior Senator from South Dakota for a period of 15 minutes.

## MCGOVERN-HATFIELD AMENDMENT TO END THE WAR

Mr. MCGOVERN. Mr. President, on April 29—the day before the Cambodian invasion—I introduced with the cosponsorship of Senator HATFIELD a legislative proposal calling on the Congress to exercise its constitutional prerogatives by voting on a plan for the systematic withdrawal of all U.S. forces from Indochina. On May 5, Senators CRANSTON, GOODELL, and HUGHES after suggesting certain modifications in the amendment, joined as cosponsors. Now the amendment has 25 Senators of both parties as cosponsors and numerous other Senators have indicated their support.

We discussed with Majority Leader MANSFIELD the means which should be employed to bring this issue to a vote on the Senate floor. He foresaw an orderly procedure through which the Senate would first consider the Church-Cooper amendment, then the Mathias resolution repealing the Gulf of Tonkin resolution, then another resolution by Senator PERCY aimed at clarifying the constitutional division of war powers between the executive and legislative branches, and finally our so-called amendment to end the war. In line with this sequence, the majority leader urged that instead of further delaying the military sales bill, we should offer our proposal as an amendment to the military procurement authorization bill. I discussed this procedure with other Senate leaders including the distinguished chairman of the Armed Services Committee, Senator STENNIS.

It was our feeling that this procedure was appropriate both according to the majority leader's timetable and also from the standpoint of committee jurisdiction since the bill to which we offered our amendment contains funds for the procurement of military supplies to be used in the conflict in Indochina.

Today we are confronted with an attempt to upset that process in defiance of Senate traditions of common courtesy and orderly procedure. The architects

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THE PASSING OF DR. WILBERT  
MCLEOD CHAPMAN

Mr. MAGNUSON. Mr. President, very few, if any, have left a more lasting mark upon the U.S. business of ocean affairs than Dr. Wilbert McLeod Chapman, who passed away June 25, 1970.

From the beginning, his discipline was fisheries. He never really got very far away from it. But fish, for the most part, were found in oceans, and Wib assumed a position of leadership in this Nation's scale toward inner space.

I do not suppose he was always right. I did not think so, I know. We found ourselves often on opposite sides on various issues, but I never really doubted his honesty of conviction or his loyalty to the interests he represented, or to the future of the world oceans in general.

Wib was the kind of fellow who was not easily put aside. Whether the forum was my office or some kind of large formal gathering, he had one of those booming voices which commanded attention. Maybe he did not win every argument, but there was never doubt that he had been present.

People wanted him present at ocean and fishery discussions. Even if they did not agree with him, it was recognized and understood that the gathering would be incomplete without his presence.

In the past month since Wib was stricken, I have sent staff men from the Commerce Committee to ocean and fishery meetings. In each report I found notation of the absence of Wib Chapman. His absence was noted. He was never forgotten. Nor will he be.

Wib started out in Kalama, Wash., in 1910. He attended the University of Washington, graduated, and spent time with the State's Department of Fisheries, the U.S. Bureau of Fisheries, the International Fisheries Commission, and did other work as a fishery biologist. He came back to the university from World War II where he had served in the South Pacific trying to help some of the islands sustain themselves with food from the sea. I read a book about this, entitled "Fishing in Troubled Waters," in which Wib described his problems with the natives; but mostly with the Navy who was too busy fighting a war to pay much attention to this professor and his fishing effort. But Wib got around them, and this was probably good practice as he was later to choose the highest echelons of our national defense establishment in order that fish not be forgotten.

After the war he went back to the University of Washington and became director of the School of Fisheries. It's a college now, and I am certain that he had something to do with this, in addition to giving the university a fishery reputation of world renown.

Wib never stopped teaching. He threw away his professor hat, came back to represent fish in the State Department, went on to do research and politics for the American Tunaboat Association, and eventually ended up with Van Camp Seafoods. At the time of his death he was director of marine resources for the Ralston-Purina Co. and chairman of the California Advisory Commission on Marine and Coastal Resources.

After leaving the University of Washington campus, there were no classrooms around; no fresh students in which to instill enthusiasm. But Wib knew a lot of things he thought others ought to know about. So his classrooms were in peoples' mailboxes. I doubt if anyone around in the fish or ocean business has escaped his mailing list. His letters were not short. They were mimeographed for the most part, usually addressed to somebody else, no matter if you knew them. Somehow, to all of us, they were personal. And from them people learned.

He told the fish people that this inner space thing would mean something someday. During the peak of outer space emotion and wonder, Wib Chapman was still calling attention to the unexplored ocean canyons. He did not care much whether a lot of people listened. Many did.

Wib took a lot of interest in my national oceanographic bill a few years back. He did not totally agree, but I do not suppose Wib ever totally agreed with much of anything anyone did. But it was about oceans, and he supported it enthusiastically.

The law extending our fishery jurisdiction to 12 miles was another area of disagreement. Wib thought it was a mistake, but when my bill became law he did not worry. He just kept busy toward this important goal for ocean development.

I think he was a happy man. I seldom saw him angry. He had so much enthusiasm: so much knowledge to impart that he did not seem to have time to carry grudges with people.

Wib was born in 1910. He was too young to leave us, yet I doubt if many can claim a bigger share of life. Had there been a chance, he would have argued to stay around, for I know he had a lot of things to straighten out yet. But his passing was peaceful. And his mark will be an enduring one.

I sent a telegram to his wife, Mazie, and his family, when I heard of his passing. I said:

Wib's passing will leave an emptiness around the world whenever fish and ocean people meet . . .

That pretty well covers it. An emptiness which is not apt to be soon filled, if ever.

AVERELL HARRIMAN SPEAKS ON  
THE VIETNAM WAR

Mr. EAGLETON. Mr. President, I wish to share with Senators a speech given by W. Averell Harriman in St. Louis on June 17 before the Business Executives Move for Vietnam Peace.

As Governor Harriman points out at the beginning of his text—and as his audience so pointedly illustrated—opposition to our policies in Vietnam is no fringe movement of the left. It is the establishment itself—businessmen, bankers, professors, government workers—who have come to recognize the damage this conflict is doing to our country and the urgency of liquidating our involvement in Southeast Asia.

Governor Harriman holds out the prospect that a conclusion of the war could lead to closer relationships between the United States and Hanoi on

the Yugoslav pattern, provided that we now determine to end the war and not simply continue it under the pretext of Vietnamization.

We have been told—

He says—

that "our will and character" are being tested in world opinion. That is not correct. What is being tested is our judgment, our wisdom and our purpose.

I believe we would do well to heed the proven judgment and enormous wisdom contained in this excellent statement.

I ask unanimous consent that it be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

## A RESPONSIBLE END TO THE VIETNAM WAR

Our country faces today a clear-cut alternative—either ending the war in Vietnam or intensifying the bitter conflicts here at home. We see our abundant and prosperous economy being undermined, inflation with increasing unemployment, home building grinding to a dangerous low. As thoughtful a man as John Gardner speaks of our nation "disintegrating."

An outstanding business executive, Mr. Thomas Watson, IBM Chairman testified before Congress last week, urging the end of our involvement in Vietnam. He said, "The war in Vietnam is the major factor which has turned our healthy economy into an unhealthy one." He added: "The longer we continue, the more chaotic the nation will become."

Another leading businessman, Mr. John T. Connor, Chairman of Allied Chemical, also testified the invasion of Cambodia "has precipitated a constitutional crisis of a most serious nature."

The Bank of America President A. W. Klausen has stated: "In my judgment, the war in Vietnam is a tragic national mistake . . . a colossal one." Chairman Louis B. Lundborg concludes his testimony saying: "There is only one way out of our current dilemma and that is the elimination of the war in Vietnam."

Clark Clifford, President Truman's Counsel and former Secretary of Defense, has recently written: "We cannot continue to fight the war in Vietnam without doing serious and irreparable injury to our own country."

In addition, there have been strong statements by a goodly array of labor leaders, who have pointed out that the well-being of working people is threatened by this futile war.

Surely the time is overdue to end the war in Vietnam and not to expand it into Cambodia. No temporary military success now claimed in Cambodia is worth the awful price of expanding the war to another country, of making political settlement far more difficult, of increasing Red China's influence in the area, of sharpening the division among our people here at home, and further loss of respect for our people abroad.

What the military effect of the invasion will be is not yet known. The Administration lists booty captured in Cambodia. The eleven million pounds of rice the President spoke of is worth less than one million dollars, and rice is in plentiful supply in Cambodia, which produces over five billion pounds a year. The arms captured are an infinitesimal fraction of the production of the Soviet Union and China. The governments of these countries have made it clear they will replace any loss and will support North Vietnam with all the weapons needed.

But what is more ominous is the increased Chinese involvement. At what point will the Chinese Reds introduce volunteers?

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Two weeks ago the President, in defending his decision to invade Cambodia, spoke nine times about his concern for the lives and security of American soldiers as his principal reason for this action. Surely the way to save the lives of our men is to get them out of combat and not to expand it.

All our troops should be withdrawn from Vietnam on a prompt and fixed schedule as proposed by former Secretary of Defense Clark Clifford in his recent magazine article. This will compel the Thieu government to undertake seriously negotiations for a responsible settlement. He must bring into his government the political elements desiring peace and send to Paris a team willing and capable of negotiating with the NLF for a compromise solution.

Of course, the President himself must appoint a high-level representative in Paris. Until he does, it is hard for people around the world to believe that he is really interested in negotiations. If these actions are taken on our side, I believe the other side will join in serious negotiations.

Our withdrawal should be responsible, and I believe that it can be—without delaying the return of our troops. We helped set this country on fire, and we must help put it out. I am convinced that the other side will agree to one point at least—that there will be no reprisals by either side, with supervision by an international body. Other issues must be subject to negotiation among the South Vietnamese themselves.

In the many private discussions I had with the North Vietnamese in Paris, there is one thing that I learned. They are fiercely nationalistic. They particularly want to be independent of China. With this in mind, they established friendly relations with the French after the war with France ended. Now if our war can be ended, they want similar relations with the United States. Like Tito, they recognize the need for an alternative to being compelled to rely on their powerful communist neighbor.

I therefore believe that it is important for us to come to an understanding with Hanoi. We must recognize that the North Vietnamese did not keep the Laos Agreement of 1962 for a single day and some understanding must be reached which is to their interest to keep for a period of years. If we are to have peace in Southeast Asia, some understanding must be arrived at along the lines of President Johnson's Johns Hopkins speech of April 1965 for the reconstruction and cooperative development of Southeast Asia with the participation of the North Vietnamese.

Recent events have made this more difficult. Peking has consistently taken a negative position on a peaceful solution in the area. Peking's influence, I believe, was at its lowest point in 1968. However, the recent Cambodian developments have increased their position to a new high.

We have been told that "our will and character" are being tested in world opinion. That is not correct. What is being tested is our judgment, our wisdom and our purpose.

Looking back, the immediate post-war years when Harry Truman was President were the most creative and constructive period of American influence in the world. We helped create the United Nations. We rallied Western Europe and frustrated Stalin's designs to expand his empire to the Atlantic. Point IV, to give a helping hand to the underdeveloped peoples, was conceived.

Yet at the same time President Truman was taking these extraordinary initiatives, he understood there were limits to our capabilities. In spite of criticism, he refrained from becoming involved in the civil war in China. He stopped at the 38th parallel in Korea against strong military pressure to expand the war again to North Korea and China. During that period we gained the re-

spect and confidence of the peoples of the free world.

We need desperately the same understanding and restraint today which Harry Truman showed twenty years ago.

Our political objectives in Vietnam cannot be achieved by military means. We can expand the war to include Cambodia, Laos, North Vietnam and then China, and even the Soviet Union, but this war cannot be won. That is not the fault of the United States but the nature of the problem that exists there.

Unfortunately, this Administration refuses to learn from the mistakes of the past or to listen. They have closed their ears to outside opinion. The Administration is not concentrating its attention on negotiations but rather on military action.

When the new Administration took over in January of 1969, agreement had been finally reached between the two sides to commence negotiations for a peaceful settlement. As publicly stated by Secretary of Defense Clark Clifford, the first order of business should be the reduction in the level of combat and violence. We were encouraged to believe that progress in this direction could be made. In late October and early November the North Vietnamese had taken 90% of their troops out of the northern two provinces of I Corps, half of which had been withdrawn above the 20th parallel—some two hundred miles to the north. Fighting almost stopped in this area which had been previously one of the most active. Because of this, General Abrams was able to take the First Air Cavalry Division from I Corps to the III Corps, to strengthen our position there.

However, the new Administration permitted President Thieu to pull the rug out from under the negotiations. President Thieu announced that he would not sit down in the private meetings that had been arranged for, although he knew full well that it was only in the private meetings that any progress could be made. Two months later he was finally persuaded to participate, but at the same time he announced that he would not in any circumstance agree to a coalition government or permit the NLF to become a political party in South Vietnam. By then the NLF refused to sit down privately with his representatives. No progress has been made in Paris since.

On April 20th, the President held out hope that a "just peace" was in sight. Ten days later the war was expanded. There seems to be an idea that military blows can force the other side to negotiate on our terms. All our past experience in Vietnam shows that this is a delusion.

The Administration's program of Vietnamization of the war is not in my opinion a program for peace but is a program for the perpetuation of the war. At best we can only hope for a reduction of less than half of our forces in South Vietnam two and a half years after this Administration took office. And after that there is no assurance whether or when the balance of our forces will be withdrawn. The South Vietnamese troops are able to take on more of the load of our combat troops, but there is no indication that they can continue to operate successfully without American air, artillery and logistic support.

Furthermore, the Vietnamization of the war is dependent on an unpopular and repressive military government. With all of the military influence, President Thieu and Vice President Ky got less than 35% of the votes cast in 1967, whereas over 60% of the votes were cast for civilian candidates who had some kind of peace plank in their platform. This election confirms the judgment that the people of South Vietnam want peace and not a continuation of the war.

While the Vietnamization plan has reduced the American casualties, South Viet-

namese casualties are increasing, with up to 800 killed a week and with many civilian casualties as well.

Our expansion of the war to Cambodia makes matters worse. We are told about the number of enemy arms captured but not about the towns and villages destroyed and the number of innocent Cambodian civilians killed. Is this the way to seek an "honorable" peace?

The war must be ended to permit the redirection of our material and human resources expended in this tragic morass to our urgent needs and to reunite our people now so deeply aroused and divided.

The concern of our young people and others who feel they are not being listened to and the misapplied patriotism of certain speech-makers and others like the hard-hats are tearing our nation apart. This latter group is attempting to whip up emotional support by using the American flag as their symbol.

Let us remember the American flag was the flag of our Revolution, a period of change and progress. It was not the flag of the stand-patters. We cannot now let demagogues, or chauvinists, take patriotism and the American flag as their exclusive banners. To me, the true patriots are those dedicated to the cause of honoring our high principles of equality and justice to all here at home and those dedicated to the principles of being a responsible Good Neighbor abroad and the leading standard-bearer of peace in the United Nations.

Surely with our military involvement in Vietnam ended, our voice for peace in the Middle East would be stronger and more influential.

This is a time of crisis. All of us should decide how we can contribute most effectively. It is easy to be destructive. I reject the rock throwers and the burners and those who use violence and intimidation.

I am heartened by the constructive work the fine groups of students are doing in Washington in lobbying against the war and the manner in which they are organizing to participate in this year's elections. Their examples has stimulated a thousand Wall Street lawyers, some of them from the most conservative firms to go to Washington and from the steps of the Capital, urge the Congress to take action to stop the war.

I am heartened, too, that you businessmen have gathered together here in Saint Louis to consider what you can do in this time of difficulty. Join the ranks of those who are speaking out to end the war. As responsible businessmen, your actions can be decisive.

## CBW—THE U.S. RECORD

Mr. PROXMIER. Mr. President, a look at the history of the Geneva protocol plainly shows that this country has had no reason for failing to ratify the treaty, either now or in 1925.

The protocol was first proposed at Geneva by the head of the U.S. delegation, Representative Theodore E. Burton, of Ohio, with the full support of President Coolidge and Secretary of State Kellogg. We signed the treaty in June of 1925 but did not give it consideration in the Senate until almost a year later. By then the chemical industries and Army Chemical Service groups had developed strong interests against the protocol. The protocol was never "defeated"; it simply never came to a vote. It sat in the Foreign Relations Committee until President Truman withdrew all unratified treaties which had been submitted prior to 1941.

On numerous occasions the United



Vietnam

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## SENATORS, 81 TO 10, VOTE FOR REPEAL OF TONKIN ACTION

G.O.P. Seizes Initiative on  
Resolution Johnson Used  
as Basis for Wider War

HOUSE BACKING NEEDED

Doves Accuse Republicans  
of Indulging in Crude and  
Cynical Partisanship

By JOHN W. FINNEY  
Special to The New York Times

WASHINGTON, June 24 —

The Senate voted today in favor of repeal of the 1964 Gulf of Tonkin resolution, once interpreted as the statutory equivalent of a declaration of war in Vietnam.

The legal effect of the action, by a vote of 81 to 10, is probably minimal since the Nixon Administration has stated that it is not relying on the resolution enacted at the request of President Lyndon B. Johnson, as authority for current policies in Indochina. But the vote may have marked a turning point in the increasingly acerbic bickering in the Senate over the war.

Supporters of the Administration had seized the initiative from the Democratic leadership by moving yesterday to repeal the resolution and they threatened similar tactics against amendments on Vietnam offered by Senate doves. The doves responded by accusing the Republicans of indulging in crude and cynical partisanship.

### Both Actions Speedy

The Tonkin Gulf resolution, which was often referred to by President Johnson as Congressional sanction for stepping up the war in Vietnam, was speedily passed in August, 1964, after two American de-

stroyers reportedly had come under attack by North Vietnamese PT-boats.

The resolution gave Congressional support to the President's determination to "take all necessary measures" to prevent further aggression in Southeast Asia.

The action on the resolution, which had been adopted with two dissenting votes, was taken by the Senate with almost equal speed after two days of perfunctory debate. Behind the decision, which must be concurred in by the House of Representatives, was a convergence of views between hawks and doves.

To some senators, particularly on the Republican side, the resolution had become meaningless. To others, particularly among the doves, the Senate was acting against a grant of warmaking power to the President. Still other senators were eager to vote for repeal of a resolution that had been used to justify an expansion of the war.

The repeal motion had been offered by Senator Robert J. Dole, a conservative Kansas Republican, as an amendment to the foreign military sales bill before the Senate. The Democratic leadership had planned a later measure sepa-

ately repealing the Tonkin resolution.

It is likely that the House will balk at accepting the military sales bill—and thus also reject repeal—particularly if the bill contains the Cooper-Church amendment restricting future military operations in Cambodia.

The bipartisan Cooper-Church amendment to the military sales bill would cut off all funds for American forces in Cambodia after July 1, the date set by President Nixon for termination of the operation there. The amendment has been the focus of protracted Senate debate on United States policy in Indochina, particularly in relation to the President's powers in wartime.

In that case, the Democratic leadership would get another chance at repealing the resolution though a concurrent resolution, which does not require the President's signature.

Under the Mills bill, the volume of imports would significantly rolled back the level of 1969, though contains a provision for a higher level of import if the President can negotiate a voluntary agreement with

supplying country.

The Ways and Means Committee, after it hears Mr. Stans, will shortly begin closed-door consideration of trade legislation and in particular, the quota issue. A majority of members of the House of Representatives have already endorsed bills imposing textile quotas. If legislation is passed, it would be the first important trade bill in eight years.

The President of the American Textile Manufacturers Institute, Donald F. McCullough, said today: "These long and fruitless negotiations have convinced the textile industry that the Japanese have no intention to work out realistic agreements and developments this certainly confirm this. The Japanese offered proposals this week similar to those which had previously been presented and rejected by the United States. At no time, to our knowledge, did they appear willing to actually negotiate on any meaningful basis."

The refusal of Japan to negotiate an agreement, despite "generous concessions" by the United States, Mr. McCullough added, "underscores the necessity for legislation."

Senator George McGovern, Democrat of South Dakota,

who is a co-sponsor of the move to require that all American forces be out of Vietnam by mid-1971, took the floor to assert that the Republicans were engaging in "crude and cynical partisanship" and were being contemptuous of the procedures of the Senate in proposing to call up the matter now with the purpose of defeating it, as Republicans have threatened to do.

By a 52-36 vote, the Senate rejected a proposal by Senator Jack Miller, Republican of Iowa, that would have eliminated from the military sales bill a Foreign Relations Committee provision requiring countries receiving American arms to put up 50 per cent of the value in local currencies. The money would be used to finance educational and cultural exchange programs.

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